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U. S. DEPARTMENT OF AGRICULTURE,

BUREAU OF CHEMISTRY.

C. L. ALSBERG, Chief of Bureau.

SERVICE AND REGULATORY ANNOUNCEMENTS.[1]

SUPPLEMENT.

N. J. 3751–3800.

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

3751. Adulteration and misbranding of so-called cognac. U. S. v. 2 One-Eighth Casks of * * * Cognac. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6004. I. S. Nos. 1629-k, 1630-k. S. No. E-137.)

On October 14, 1914, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 one-eighth casks containing a product purporting to be cognac, remaining unsold in the original unbroken packages at Lawrence, Mass., alleging that the product had been shipped by A. Blum Jr.'s Sons, New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled in part: "Jas. Hennessy Cognac France."

Adulteration of the product was alleged in the libel because substances, to wit, neutral spirits, had been mixed and packed with said food in such a manner as to reduce, lower, and injuriously affect its quality and strength. Misbranding was alleged for the reason that said food upon the packages and labels thereof bore a certain statement, design, and device regarding the ingredients and substances contained therein, that is to say, the following words, "Jas. Hennessy Cognac France," which statement, design, and device was false and misleading because it would lead the purchaser to believe that said food consisted of cognac, and was the product of a foreign country, whereas, in truth and in fact, said food was not cognac, and was not the product of a foreign country.

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[1] The Service and Regulatory Announcements of the Bureau of Chemistry are published in conformity with a uniform plan for the issuance of information, instructions, and notices of a regulatory nature by the various branches of the department. During 1915 they will be issued as often as necessary rather than each month, as in 1914, and will be numbered consecutively, beginning with S. R. A., Chem. 13.

Notices of judgment are issued as supplements to the Service and Regulatory Announcements of the Bureau of Chemistry. Beginning with January, 1915, they will be numbered and paged independently of the Service and Regulatory Announcements, the first number being designated as S. R. A., Chem. Suppl. 1.

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On February 12, 1915, the said A. Blum Jr.'s Sons, having filed its claim in which it neither admitted nor denied the allegations of the libel, but prayed that the product should be delivered to it upon giving such security as the court might direct, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of $400, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., April 24, 1915.

3752. Adulteration of eggs. U. S. v. 55 Cases of Eggs. Default decree condemning proceeds of the sale of the product to the United States. (F. & D. No. 6005. S. No. E-136.)

On October 14, 1914, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 55 cases of eggs, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been shipped and transported from the State of Illinois into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On November 24, 1914, proclamation having been made and default entered and the product having been sold by the United States marshal for tanning purposes under process issued in the proceedings, it was ordered, adjudged, and decreed by the court that the proceeds of the sale of the product be forfeited to the United States.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *April 24, 1915.*

3753. Misbranding of "Maignen Antiseptic Powder." U. S. v. 5 Cartons * * * "Maignen Antiseptic Powder." Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6006. I. S. No. 1703-k. S. No. E-122.)

On October 15, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cartons, more or less, each containing one dozen varying sized retail packages of a product known as "Maignen Antiseptic Powder," remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped on or about August 11, 1914, and transported from the State of Pennsylvania into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended.

It was alleged in the libel that the product was misbranded in that the packages, circulars, wholesale and retail cartons in which said product was packed, contained the following statements as to the curative and therapeutic effect of said product and of the ingredients and substances contained therein, to wit: (On packages) "Maignen Antiseptic Powder—Maignen Pulv. No. 1. A combination of non-poisonous mineral salts. A perfect Germicide which can not injure the healthy tissues indicated. To Sterilize the Respiratory Tract by inhalation as a dry powder. Also to sterilize wounds and injuries to the skin and mucous membrane by washing with fresh solution as directed. Maignen Chemical Co., Philadelphia, Pa." (On retail carton) "To prevent blood poisoning, lockjaw, hydrophobia and infectious disease." "Sterilize fresh wounds and injuries with a solution of 'Maignen Antiseptic Powder'." (On box and retail carton) "A perfect Germicide which can not injure the healthy tissues. To Sterilize the Respiratory Tract by inhalation as a dry powder. To sterilize wounds and injuries to skin and mucous membrane wash with fresh solution as directed." (On circular) "Instructions for the Sterilization of the Mucous Membrane. In common cold, catarrh, rose cold and hay fever, influenza, bronchitis and bronchial asthma, pneumonia, tuberculosis of the throat and lungs, gastric catarrh and gastro-intestinal fermentation." "Sterilization of the nose." Sterilization of the post-nasal cavity." "Sterilization of the throat." "Sterilization of the Stomach." "(c) For Gastro-Intestinal troubles, such as Typhoid Fever, Dysentery, and Cholera, which are the most serious forms of catarrhal inflammation, take half a tumbler or a whole tumbler of hot water with half the quantity of Powder raised on a dime every hour, and between times a glass of generous wine. Remarks The sterilization recommended here is a plain disinfecting process which does not interfere with medical treatment. It is, on the contrary, of great assistance to it. It has been found very effective in breaking up the cigarette habit. It does away with the craving by removing the morbid irritation of the mucous membrane. When you are not quite sure of the purity of the drinking water, add a pinch of Maignen Antiseptic Powder to the water in the glass to sterilize it and make it safe to drink." "Sterilization of the lungs." "In Bronchial Asthma, the inhalation of the Antiseptic Powder should be practiced whenever the sufferer is oppressed, also each day for a few minutes at the same hour. He is to continue swallowing the cloud day after day until the viscous matter which is choking him and producing wheezing has been raised. Sufferers from Tuberculosis should also inhale the Powder; and, in addition, they should add the quantity of Powder raised on a dime to every tumbler of milk they drink, and half the quantity to every glass of water." "Sterilization of the eyes in catarrhal conjunctivitis and other inflammatory conditions of the eyes." "Sterilization of the Gums and Mouth in gingivitis, receding gums, stomatitis—the mucous membrane returns to normal." "Sterilization of the Genito-urinary tract." "Sterilization of the nose, throat, lungs, stomach, intestines, genito-urinary tract, skin injuries, mosquito bites, sunburn, etc." (On the wholesale carton) "Antiseptic Powder—A scientific germicide for

external and internal use. To sterilize the Nose and Throat in cases of 'Common Colds' and Catarrh, Hay Fever and Rose Cold, Bronchitis and Asthma and all troubles of the Respiratory Tract. To sterilize the Mucous Membrane in case of Indigestion and Gastro-Intestinal Troubles. To Sterilize the Skin and Injured Tissues in cases of Cuts, Scratches, Bites, Stings, Burns, Wounds, Eczema, Ivy Poisoning and Ulcers. To Sterilize the Mouth in cases of Receding Gums and Abcesses." (Side) "For Colds and Catarrh, Hay Fever and Asthma, Bronchitis and other Lung Troubles.—For Throat Troubles, Gargle and Hold Antiseptic Solution in Throat and swallow." (Other side) "To avoid contagious diseases sterilize your hands and face, nose and throat. Wash, sniff and gargle with Antiseptic Solution." (Closing flap) "A Perfect Germicide—To sterilize wounds and Injuries to the Skin and Mucous Membrane;" whereas, in truth and in fact, the said product consisted essentially of 51 per cent water-insoluble material composed of calcium carbonate, and 49 per cent soluble material composed of borax, aluminium sulphate and sodium carbonate, and the product contained no ingredient nor combination of ingredients capable of producing the curative and therapeutic effects claimed upon the packages, circulars, and wholesale and retail cartons as aforesaid. It was further alleged in the libel that the statements set forth in the last paragraph were false and fraudulent in that said product and the ingredients and substances contained therein were incapable of producing the curative and therapeutic effects in said statements claimed. And it was alleged further that the words "Antiseptic Powder," forming a portion of the name of the product, were misleading in that said product and the ingredients and substances contained therein were not antiseptic and could not effect sterilization.

On November 4, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *April 24, 1915.*

3754. Adulteration of tomato pulp. U. S. v. 59 Cases, more or less, of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6009. I. S. No. 11112-k. S. No. C-99.)

On October 17, 1914, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 59 cases, each containing four dozen cans of tomato pulp, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped on September 5, 1914, and transported from the State of Maryland into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that when it was so shipped as aforesaid it consisted wholly of a filthy animal [vegetable] substance; for the further reason that it consisted in part of a filthy animal [vegetable] substance; for the further reason that it consisted wholly of a decomposed animal [vegetable] substance; for the further reason that it consisted in part of a decomposed animal [vegetable] substance; for the further reason that it consisted wholly of a putrid animal [vegetable] substance; and for the further reason that it consisted in part of a putrid animal [vegetable] substance.

On January 5, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *April 24, 1915.*

3755. Adulteration of frozen egg product. U. S. v. 165 Cans of Frozen Egg Product. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6010. I. S. Nos. 12113-k, 12114-k, 12118-k, 12119-k, 12120-k, 12121-k. S. No. C-101.)

On October 19, 1914, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 165 cans approximating 5,280 pounds of frozen egg product, remaining unsold in the original unbroken packages at Detroit, Mich., alleging that the product had been shipped and transported from the State of Illinois into the State of Michigan, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it was shipped in original unbroken packages and consigned as frozen eggs, whereas, in truth and in fact, said substance was a substance which consisted in whole and in part of a filthy, decomposed, and putrid animal substance, in violation of section 7 in the case of food, paragraph 6, of the Food and Drugs Act.

On February 15, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *April 24, 1915.*

3756. Adulteration and misbranding of apples. U. S. v. 14 Barrels * * * of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6013. I. S. No. 1109-k. S. No. E-142.)

On October 20, 1914, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of said District, holding a District Court, a libel for the seizure and condemnation of 14 barrels, more or less, of apples, remaining unsold in the original unbroken packages at Washington, D. C., charging that the product was being offered for sale in the District of Columbia, and that it was adulterated and misbranded in violation of the Food and Drugs Act. Each of the barrels was labeled: "Virginia G. A. C. G. A. Cook Fancy."

Adulteration of the product was alleged in the libel for the reason that the same consisted in whole or in part of filthy and decomposed fruit. Misbranding was alleged for the reason that the labels on the barrels bore statements regarding such article, which statements were false and misleading in that said labels bore the statement "Virginia Fancy," whereas, in truth and in fact, said apples were culls, containing a considerable proportion of decayed fruit.

On January 18, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *April 24, 1915.*

3757. Adulteration of tomato pulp. U. S. v. 200 Cases * * * Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6016. I. S. No. 212-k. S. No. E-135.)

On October 20, 1914, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 200 cases, each containing 4 dozen cans of tomato pulp, remaining unsold in the original unbroken packages at Brooklyn, N. Y., alleging that the product had been shipped on or before September 3, 1914, and transported from the State of New Jersey into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Bridgeton Brand Tomato Pulp, Made from Tomatoes and Tomato Trimmings, Clinton B. Ayars Canning Co., Bridgeton, New Jersey. Guaranteed by Clinton B. Ayars Canning Co., Under the Food and Drugs Act of June 30, 1906. Serial No. 30459. Always empty contents in glass or earthenware dish as soon as opened. Contents 10 oz."

Adulteration of the product was alleged in the libel for the reason that it consisted wholly or in part of a decomposed vegetable substance.

On October 30, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *April 24, 1915.*

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3758. Adulteration of Hires condensed milk. U. S. v. 530 Cases * * * Condensed, Skimmed Milk. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6017. I. S. No. 1712-k. S. No. E-140.)

On October 21, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 530 cases, more or less, each containing four dozen cans of sweetened, condensed, skimmed milk, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped on or about October 10, 1914, and transported from the State of Pennsylvania into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The cases were stenciled: "48 cans Square Brand Milk Condensed. Hires Condensed Milk Co., Phila., Pa."

It was alleged in the libel that the product was liable to seizure and condemnation, as provided in said act of Congress, in that said product consisted, in whole or in part, of a filthy, decomposed, and putrid animal substance, in violation of section 7, paragraph 6, under the title "Food" of said act, particularly in that the product was sour, badly discolored, and mottled, of bad odor, lumpy and separated, brown and thick with clots, conditions suggestive of cheese, and decomposed.

On November 18, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *April 24, 1915.*

3759. Misbranding of macaroni. U. S. v. 125 Cases of Macaroni. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6018. I. S. No. 1214-k. S. No. E-141.)

On October 20, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 125 cases of macaroni, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped on or about September 14, 1914, by the Youngstown Macaroni Co., Youngstown, Ohio, and transported from the State of Ohio into the State of New York, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Grande Pastificio Elettrico Stella D'Oro Produzione Mille Casse Al Giorno Spaghettini Extra Fine U. S. Serial No. 5179. Guaranteed under the Food and Drug Act, June 30, 1906. Stabilito Nel 1886." In addition, the labels bore pictorial representations of moon, stars, and medals of award, and were branded "Spaghettini."

It was alleged in the libel that the product was labeled or branded so as to deceive and mislead a purchaser, and purported to be a foreign product, when it was not such, in violation of section 8, paragraph 2, under the title "Food" of said act, the deception and misleading being induced by the label hereinbefore referred to.

On January 13, 1915, the said Youngstown Macaroni Co., claimant, having filed a claim and stipulation for costs and consented to the decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product, after having been relabeled, should be delivered to said claimant upon payment of costs of the proceedings and the execution of bond in the sum of $300, in conformity with section 10 of the act.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *April 24, 1915.*

3760. Adulteration and misbranding of gelatin. U. S. v. 2 Barrels of Gelatin. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6019. I. S. Nos. 11234-k, 11235-k. S. No. C-102.)

On October 20, 1914, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 barrels of gelatin, remaining unsold in the original unbroken packages at Cincinnati, Ohio, alleging that the product had been shipped and transported from the State of Indiana into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. One of the barrels was labeled: (Stencil on one head of shipping barrel) "33–532" "27512" "X Purity Gelatine" (Shipping tag on head) "Hirsh, Stein & Co. Cincinnati, Ohio. Trap car C. & O. of Ind. P. paid From Hirsh, Stein & Co., Glue, Gelatine & Fertilizer, Hammond, Indiana." (Stencil on side of barrel) "27512" "X Purity Gelatine." The other barrel was labeled: (Stencil on one head of shipping barrel) "32–518" "27513" "X Purity Gelatine." (Shipping tag on head) "Hirsh, Stein & Co. Cincinnati, Ohio. Trap car C. & O. of Ind. P. paid From Hirsh, Stein & Co., Glue, Gelatine & Fertilizer, Hammond, Indiana." (Stencil on side of barrel) "27513" "X Purity Gelatine."

Adulteration of the product was alleged in the libel for the reason that a certain substance, to wit, glue, had been substituted for the article of food, and, further, in that said article of food contained excessive amounts of arsenic, copper, and zinc, added deleterious ingredients, which might render said article of food injurious to health. Misbranding was alleged for the reason that the barrels and packages of the article of food and the labels, marks, and brands upon said barrels and packages bore a certain statement, to wit, "X Purity Gelatine," regarding the article of food and the ingredients and substances contained therein, which said statement was false and misleading in that it represented said article to be a pure gelatin, whereas, in truth and in fact, it was glue; further, in that said article of food was offered for sale, sold, and transported as aforesaid under the distinctive name of gelatin, when, in truth and in fact, it was not gelatin, but was another article, to wit, glue; and, further, in that said article of food was labeled, marked, and branded as aforesaid so as to deceive and mislead the purchaser thereof in that the aforesaid labels, marks, and brands on the article of food represented the same to be a pure gelatin, whereas, in truth and in fact, it was not a gelatin but was a glue.

On November 3, 1914, Morris M. Hirsh and Wm. D. Stein, partners, trading and doing business under the name of Hirsh, Stein & Co., claimants, having filed their answer admitting the facts set forth in the libel and consenting to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimants upon payment of all the costs of the proceedings and the execution of bond in the sum of $100, in conformity with section 10 of the act, one of the conditions of said bond being that the gelatin should be, by said claimants, in the presence of a United States food and drug inspector, so denatured that it might not again be sold or offered for sale as a food product.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *April 24, 1915.*

3761. Adulteration of chestnuts. U. S. v. 5 Bags of Chestnuts, more or less. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6025. I. S. No. 12242-k. S. No. C-103.)

On October 21, 1914, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 bags of chestnuts, remaining unsold in the original unbroken packages at Covington, Ky., alleging that the product had been shipped on October 13, 1914, and transported from the State of Ohio into the State of Kentucky, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that the same consisted in part of filthy, decomposed, and putrid vegetable substances, to wit, wormy and worm-eaten chestnuts.

On December 31, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *April 24, 1915.*

3762. Misbranding of "Cranitonic Scalp Food, Hair Food." U. S. v. The Kells Co. Plea of guilty. Fine, $50. (F. & D. No. 6026. I. S. No. 8074-e.)

On March 3, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Kells Co., a corporation, Newburgh, N. Y., alleging shipment by said company, on January 16, 1913, from the State of New York into the State of Massachusetts, of a quantity of so-called "Cranitonic Scalp Food, Hair Food," which was misbranded in violation of the Food and Drugs Act, as amended. The product was labeled: (On carton) "Cranitonic Scalp Food Hair Food Contains 20% Alcohol Guaranteed by The Kells Co. under the Food and Drugs Act, June 30, 1906, No. 2772. Prepared by Cranitonic Hair Food Co. Trade Mark Paris, London, New York. Prepared now by The Kells Company, Newburgh, N. Y. Distributors Invigorating Nourishing Strengthening France Prepared by Cranitonic Hair Food Co. Trade Mark Paris, London, New York. Cranitonic Scalp Food Hair Food Invigorating Nourishing Strengthening France Cranitonic Scalp Food Hair Food Invigorating Nourishing Strengthening Prepared by Cranitonic Hair Food Co. Trade Mark Paris, London, New York. France. Cranitonic Scalp Food Hair Food Invigorating Prepared by Cranitonic Hair Food Co. Trade Mark Paris, London, New York. Nourishing Strengthening France" (On top flap) "CHF." (On bottle, in English and French) "Cranitonic Contains 20% Alcohol Guaranteed by The Kells Co. under the Food and Drugs Act, June 30, 1906. No. 2772. Scalp Food Hair Food Prepared by the Cranitonic Hair Food Co., Paris, London, New York Prepared now by The Kells Company, Newburgh, N. Y. Distributors. Cranitonic Hair Food" (Statements in French) "Cranitonic Hair Food This preparation is a scientific Microbicide and Food for the Hair and Scalp. It destroys the microbes of dandruff and baldness, stops falling hair, allays all scalp irritation, makes hair grow and renders it soft and lustrous. It is absolutely harmless, contains no grease, sediment, dye matter or dangerous drugs, but is pure, clean, delightful to use and certain in its results. It is unrivalled for its refreshing, nourishing and stimulating effects on the hair and nerves of the scalp. It is the only genuine Hair and Scalp Food made. All others are imitations. Directions Apply freely to the roots of the hair night and morning, then massage the scalp vigorously by pinching up the skin between the fingers of both hands. Ladies may apply it only at night." (Small label on back) "CHF Cranitonic Hair Food" (Blown in bottle) "Scalp Food Cranitonic Hair Food Cranitonic Hair Food Co. Paris London New York" (Label around neck) "Cranitonic Trade Mark Hair Food." The booklet and pamphlet in the carton contained, among other things, the following statements descriptive of the article of drugs: "It cures dandruff, stops falling hair, and prevents gray hair and baldness." "Have you dandruff?" "Cranitonic Hair Food will positively cure it." "Is your hair falling?" "The only way to stop falling hair is to destroy the parasite which causes it." "Cranitonic Hair Food does this." "Cranitonic Hair Food is a safe, sure and powerful germicide, parasiticide, fungicide and antiseptic, which destroys all microbic, parasitic and fungous life * * * and nourishes the weak or falling papilla * * *" "* * * never fails to effect a permanent cure, * * *"

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)	15.0
Ash (per cent)	0.03
Boric acid (grams per 100 cc)	0.11
Glycerin (grams per 100 cc)	0.74

No alkaloids, resorcin, salicylic acid, beta-naphthol, mercury or arsenic.

Sample is a hydroalcoholic solution of boric acid and glycerin colored and perfumed.

Misbranding of the product was alleged in the information for the reason that the following statements regarding the therapeutic and curative effects of said article, appearing on the bottle label thereof, to wit, "This preparation is a scientific Microbicide and Food for the Hair and Scalp. It destroys the microbes of dandruff and baldness, stops falling hair, allays all scalp irritation, makes hair grow * * *," were false and fraudulent, in that they were applied to the said article knowingly and in disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof, the impression and belief that the said article was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, for destroying the microbes of dandruff and baldness, for stopping falling hair and allaying all scalp irritation, and for making hair grow, whereas, in truth and in fact, the said article was not, in whole or in part, composed of, and did not contain, ingredients or medicinal agents effective, among other things, for destroying the microbes of dandruff and baldness, and for stopping falling hair and allaying all scalp irritation, and for making hair grow. Misbranding was alleged for the further reason that the following statements regarding the therapeutic and curative effects of the said article appearing in the booklet aforesaid, to wit, "It cures dandruff, stops falling hair, and prevents gray hair and baldness." "Have you dandruff?" "Cranitonic Hair Food will positively cure it." "Is your hair falling?" "The only way to stop falling hair is to destroy the parasite which causes it." "Cranitonic Hair Food does this." "Cranitonic Hair Food is a safe, sure and powerful germicide, parasiticide, fungicide and antiseptic, which destroys all microbic, parasitic and fungous life * * * and nourishes the weak or falling papilla, * * *" "* * * never fails to effect a permanent cure, * * *" were false and fraudulent, in that they were applied to the said article knowingly and in disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof and create in the minds of purchasers thereof, the impression and belief that the said article was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, as a cure for dandruff; effective in stopping falling hair, and preventing gray hair and baldness; effective for destroying the parasite which causes falling hair; effective as a safe, sure and powerful destroyer of all microbic, parasitic and fungous life; effective for nourishing the weak or falling papilla, and never failing to effect a permanent cure; whereas, in truth and in fact, the said article was not, in whole or in part, composed of, and did not contain, ingredients or medicinal agents effective, among other things, as a cure for dandruff, and effective in stopping falling hair, and preventing gray hair and baldness; and effective for destroying the parasite which causes falling hair; and effective as a safe, sure and powerful destroyer of all microbic, parasitic and fungous life; and effective for nourishing the weak or falling papilla, and never failing to effect a permanent cure.

On March 17, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $50.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *April 24, 1915.*

3763. Adulteration of tomato paste. U. S. v. 5 Cases, more or less, of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6031. I. S. No. 11111-k. S. No. C-105.)

On October 24, 1914, the United States attorney for Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases, each containing 100 cans of tomato paste, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped on August 31, 1914, and transported from the State of New York into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that when it was so shipped as aforesaid it consisted wholly of a filthy animal [vegetable] substance; for the further reason that it consisted in part of a filthy animal [vegetable] substance; for the further reason that it consisted wholly of a decomposed animal [vegetable] substance; for the further reason that it consisted in part of a decomposed animal [vegetable] substance; for the further reason that it consisted wholly of a putrid animal [vegetable] substance; and for the further reason that it consisted in part of a putrid animal [vegetable] substance.

On January 5, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *April 24, 1915.*

3764. Adulteration of tomato paste. U. S. v. 50 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6032. I. S. No. 220-k. S. No. E-145.)

On October 26, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cases of tomato paste, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped on or about September 11, 1914, and transported from the State of New Jersey into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in the libel for the reason that the product consisted, in whole or in part, of a filthy, decomposed, and putrid vegetable matter.

On November 18, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *April 23, 1915.*

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3765. Adulteration of prunes. U. S. v. 31 Boxes of Prunes, more or less. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6034. I. S. No. 520-k. S. No. E-147.)

On October 24, 1914, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 31 boxes of prunes, more or less, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the product had been shipped and transported from the State of Virginia into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the 31 boxes of prunes were adulterated in violation of section 7 of the Food and Drugs Act of June 30, 1906.[1]

On December 28, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *April 24, 1915.*

[1] When this case was reported for action, seizure of the product was recommended by this department on the ground that it was adulterated within the meaning of the Food and Drugs Act, in that it was a filthy and partially decomposed substance.

3766. Misbranding of artificial blackberry cider and artificial cherry cider. U. S. v. 2 Kegs of Artificial Blackberry Cider and 1 Keg of Artificial Cherry Cider. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 6038. I. S. Nos. 11239-k, 11240-k. S. No. C-106.)

On October 26, 1914, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of one 16-gallon keg and one 10-gallon keg of artificial blackberry cider, and one 16-gallon keg of artificial cherry cider, remaining unsold in the original unbroken packages at Cincinnati, Ohio, alleging that the product had been shipped and transported from the State of Kentucky into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act. The artificial blackberry cider was labeled, on one end of keg: "Louisville Cider & Vinegar Works, Louisville, Ky. Artificial Blackberry Cider, Coal Tar Color, Benzoate Soda." The artificial cherry cider was labeled, on one end of keg: "Louisville Cider & Vinegar Works, Louisville, Ky. Artificial Cherry Cider, Coal Tar Color, Benzoate Soda." All the kegs were labeled on the other end: "The contents of this package contains no wine or alcohol."

Misbranding of the product was alleged in the libel for the reason that the said kegs and packages containing said articles of food bore each a certain statement, to wit, "The contents of this package contains no wine or alcohol," regarding said articles of food and the ingredients and substances contained therein, which said statement was false and misleading, in that, as a matter of fact, said articles of food did contain alcohol in quantities greater than 4½ per centum by volume, and, further, in that said articles of food were labeled, marked, and branded as aforesaid so as to deceive and mislead the purchaser thereof in that the aforesaid labels, marks, and brands upon said articles of food represented the same to contain no wine or alcohol, whereas, in truth and in fact, each of the articles of food and each of the kegs and packages contained alcohol in quantities greater than 4½ per centum by volume.

On January 7, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and, it appearing to the court that the labels and brands upon the kegs might be removed and said kegs relabeled so that the articles of food contained therein might be sold lawfully and without violating any law of any State or Territory of the United States of America, it was ordered by the court that the said kegs should be relabeled as aforesaid under the supervision of a United States food and drug inspector and should be disposed of by the United States marshal by sale, either public or private, as in his discretion might best serve the public interests.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *April 24, 1915.*

3767. Adulteration of shrimp. U. S. v. 2 Kegs of Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6041. I. S. No. 230-k. S. No. E-148.)

On October 28, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 kegs, each containing about 10 gallons of shrimp, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped on October 17, 1914, and transported from the State of South Carolina to the State of New York, and charging adulteration in violation of the Food and Drugs Act. The containers were labeled: "Ransom and Robbins, 9 Fulton Mkt., New York, N. Y., From G. A. Blighe, Beaufort, S. C."

Adulteration was alleged in the libel for the reason that the product contained an added deleterious ingredient, to wit, boric acid, which might render the same injurious to health.

On November 18, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *April 24, 1915.*

3768. Adulteration of shrimp. U. S. v. 10 Kegs of Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6043. I. S. No. 233-k. S. No. E-149.)

On or about October 28, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 kegs, each containing about 10 gallons of shrimp, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped on or about October 20, 1914, and transported from the State of Georgia into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "P. M. Comstock & Co., 21 Fulton Market, New York. From Lazarus & Davis, Brunswick, Ga."

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of a decomposed and putrid animal substance.

On November 18, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *April 24, 1915.*

3769. Adulteration of tomato pulp. U. S. v. 50 Cases * * * of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6047. I. S. No. 1117-k. S. No. E-152.)

On October 29, 1914, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the United States for said District, holding a District Court, a libel for the seizure and condemnation of 50 cases of tomato pulp, remaining unsold in the original unbroken packages at Washington, D. C., alleging that the product had been shipped and transported from the State of Maryland into the District of Columbia, and charging adulteration in violation of the Food and Drugs Act. The cases were labeled: "Family Brand Tomato Pulp Packed by D. E. Foote & Co., Inc., Baltimore, Md." The cans in the cases were labeled: "Family Brand (contents 90 oz. or over) Tomato Pulp Made from small tomatoes and trimmings. Packed by D. E. Foote & Co., Inc., Baltimore, Md."

Adulteration of the product was alleged in the libel for the reason that it consisted in part of a filthy and decomposed animal and vegetable substance.

On January 18, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *April 24, 1915.*

3770. Misbranding of "Dr. D. Kennedy's Cal-Cura Solvent." U. S. v. Dr. David Kennedy Co. Plea of guilty. Fine, $50. (F. & D. No. 6055. I. S. No. 6338-e.)

On March 23, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Dr. David Kennedy Co., a corporation, Rondout, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on September 23, 1912, from the State of New York into the State of Pennsylvania, of a quantity of "Dr. D. Kennedy's Cal-Cura Solvent" which was misbranded. The product was labeled: (On carton) "Dr. D. Kennedy's Cal-Cura Solvent (Trade Mark) No. 943 Guaranteed under U. S. Food and Drugs Act, June 30, 1906. Dr. David Kennedy's Sons, Rondout, N. Y. Contains 18.4% of the Purest Grain Alcohol His New Medicine Dissolves and eliminates lithic acid from the Blood; Gravel and Limestone formations from the Kidneys and Bladder; and Gall stones from the Liver. Cures Diabetes, Bright's Disease, Constipation of the Bowels, Dyspepsia and all diseases peculiar to women. Is an invaluable Spring and Fall Remedy for Purifying the Blood, and giving tone and strength to the system debilitated by age and disease. Discovered by Dr. David Kennedy, Kennedy Row, Kingston, N.Y. U. S. A. Directions in English inside (Statement in foreign language) Price One Dollar." (On back of carton) "Dr. D. Kennedy's Cal-Cura Solvent Cures all Constitutional Diseases of the Blood; Scrofula, Cancer, and Canker Humors, Rheumatism and Rheumatic Pains of the Joints and Muscles. It is pleasant to the taste, and adapted to both sexes of every age. Discovered by Dr. David Kennedy, Kennedy Row, Kingston, N. Y. U. S. A." (On sides of carton) "Cal-Cura Solvent." (On bottom flap) "This carton was adopted in November 1904." (On bottle) "(Trade Mark) Cal-Cura Solvent For the removal of all Limestone Deposits in the Kidneys and Bladder, from the largest to the most minute formations, as Gravel, and for the cure of all other Diseases of these organs, such as Bright's Disease and Diabetes. Removes Gall Stones and corrects all derangements of the Liver. Cures the most aggravated cases of Dyspepsia and Constipation of the Bowels, and prevents Appendicitis. As A Blood Purifier and Spring and Fall Medicine, and for all the Ills peculiar to Women Calcura Solvent is Invaluable. Discovered by David Kennedy, M. D. Kennedy Row, Kingston, N. Y. U. S. A. Directions for Using. For Adults, take one to two teaspoonfuls, according to the severity of the case, immediately upon retiring at night, directly after rising, and a third dose at noon-time. For Younger Persons, the dose may be reduced to one teaspoonful. The Dose for Children will be less, in proportion to their age. The above doses may be diluted with a like quantity of water, if preferred. Calcura Solvent is perfectly safe for the most delicate person or the youngest child." (Blown in bottle) "Calcura Solvent." In the circular accompanying the article the following statements, among other things, appeared: "The many serious eruptions of the skin, such as Erysipelas, Eczema, Scald-Head, Scrofula, Cancer, Inherited and Contagious Humors, Glandular Swelling, Boils and Carbuncles, Tumors, Ulcers, Chronic Rheumatism, and every form of disease, of the Skin and Scalp, arise from the impure or impoverished condition of the blood—the result of a morbid condition of the system. While it is sometimes possible to repel an eruption from the surface by external medicinal application, still the disease is rarely cured by this method. To reach the impurities in the blood, and to cleanse it of all deteriorating properties, it is evident that the only logical and proper treatment is the use of an internal remedy. Calcura Solvent purifies and strengthens the blood and affords a complete, natural and permanent cure for these various, torturing, disfiguring and dangerous skin diseases."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that the sample consisted of a hydroalcoholic sweetened liquid containing potassium acetate, 2.44 per cent, alcohol, 16.75 per cent, cane sugar, 52.46 per cent, and vegetable matter resembling mint, cardamon and boneset.

Misbranding of the product was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, (On carton) "* * * Cal-Cura Solvent * * * Dissolves and eliminates * * * gravel and limestone formations from the kidneys and bladder and gall stones from the liver. Cures diabetes, Bright's disease, * * * and all diseases peculiar to women. * * * Cures all constitutional diseases of the blood, scrofula, cancer, * * * rheumatism, * * *" (On bottle) "* * * Cal-Cura Solvent for the removal of all limestone deposits in the kidneys and bladder, from the largest to the most minute formation, as gravel; and for the cure of all other diseases of these organs, such as Bright's disease and diabetes. Removes gall stones and corrects all derangements of the liver. * * * prevents appendicitis," were false and fraudulent in that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof and create in the minds of purchasers thereof the impression and belief that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, for dissolving and eliminating gravel and limestone formations from the kidneys and bladder and gall stones from the liver; and effective for curing diabetes, Bright's disease, all diseases peculiar to women, all constitutional diseases of the blood, scrofula, cancer, and rheumatism; and effective for preventing appendicitis; when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain, ingredients or medicinal agents effective, among other things, for dissolving or eliminating gravel or limestone formations from the kidneys or bladder or gall stones from the liver; or effective for curing diabetes, Bright's disease, or all diseases peculiar to women, or all constitutional diseases of the blood, scrofula, cancer, or rheumatism; or effective for preventing appendicitis.

Misbranding was alleged for the further reason that the following statements regarding the therapeutic or curative effects of said article included in the circular or pamphlet aforesaid, to wit, "* * * Erysipelas, Eczema. * * * Scrofula, Cancer, Inherited and Contagious Humors, * * * Chronic Rheumatism, and every form of disease of the Skin and Scalp, arise from impure or impoverished condition of the blood * * * Calcura Solvent purifies and strengthens the blood and affords a complete, natural and permanent cure for these various torturing, disfiguring and dangerous skin diseases." "The most trustworthy cure, however, for Malaria is Calcura Solvent * * *." "Disease of the Liver—By restoring it to its normal condition, Calcura Solvent will absolutely cure all diseases of the liver," were false and fraudulent in that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief that it was, in whole or in part, composed of or contained, ingredients or medicinal agents effective, among other things, for purifying and strengthening the blood and affording a complete, natural and permanent cure for the following torturing, disfiguring and dangerous skin diseases, erysipelas, eczema, scrofula, cancer, inherited and contagious humors, chronic rheumatism, and every form of disease of the skin and scalp; and effective for curing malaria, and effective for curing all diseases of the liver; when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain ingredients or medicinal agents effective, among other things, for purifying and strengthening the blood and affording a cure for erysipelas, eczema, scrofula, cancer, inherited and contagious humor[s], chronic rheumatism or every form of disease of the skin or scalp; or effective for curing malaria; or effective for curing all diseases of the liver.

On March 31, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $50.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 1, 1915.*

3771. Misbranding of "Schenck's Pulmonic Syrup." U. S. v. 6 Cases of "Schenck's Pulmonic Syrup." Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6056. I. S. No. 1714-k. S. No. E-151.)

On November 2, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 cases, each containing 2 dozen bottles of a product called "Schenck's Pulmonic Syrup," remaining unsold in the original unbroken packages, at New York, N. Y., alleging that the product had been shipped on or about August 6, 1914, and transported from the State of Pennsylvania into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended. The drug was labeled: (On cases) "2 Doz. Dr. Schenck's Pulmonic Syrup, Manufactured only by Dr. J. H. Schenck & Son, Philadelphia, Pa." The bottles were labeled: "Dr. Schenck's Pulmonic Syrup Manufactured only by Dr. J. H. Schenck & Son, Philadelphia, Pa. In use for 75 years for the relief of coughs and colds affecting the lungs and respiratory organs and consumption. Contains no narcotics and is pleasant to the taste. For directions, see pamphlet. Serial No. 207. Guaranteed by Dr. J. H. Schenck & Son, under the Food & Drugs Act, June 30, 1906."

Misbranding of the product was alleged in the libel for the reason that its packages and labels contained statements regarding the curative and therapeutic effect of such article and the ingredients and substances contained therein, which were false and fraudulent, to wit: (On bottle label, wrapper and enclosed circular) "In use for 75 years for the relief of coughs and colds affecting the lungs and respiratory organs and consumption;" (In circular) "Schenck's Pulmonic Syrup * * * purifies the blood and throws off the corrupt matter from the system;" (Testimonials, p. 11) "My condition was very critical indeed. I coughed by day and by night. I had such a bad cough I nearly coughed my head off. I was so ill that many people who saw me did not think I would live 48 hours. I was examined by five or six physicians here and all of them pronounced my malady tuberculosis of the lungs and gave no hope of my recovery. I heard of your pulmonic syrup. I have begun on the fourth bottle at this writing. It cured my hard cough in ten days time and is fast healing my lungs;" (Testimonials, p. 13) "I have been sick from LaGrippe and other complaints for the past seven months and have tried six doctors without beneficial results. Have received more benefit from half bottle of your pulmonic syrup than from all the other medicines taken in seven months. I shall continue until cured."

Misbranding was alleged for the further reason that the use of the word "pulmonic" in the name of the preparation and on the outer wrapper of the retail packages depicting the human lung gave the impression that the product was useful and beneficial in the treatment of the diseases of the lungs.

On February 26, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 1, 1915.*

3772. Adulteration of dried apples. U. S. v. Henry B. Terrett. Plea of guilty. Fine, $10. (F. & D. No. 6070. I. S. No. 4511-h.)

On January 19, 1915, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the United States for said District an information against Henry B. Terrett, Washington, D. C., alleging the sale by said defendant, on February 25, 1914, at the District aforesaid, in violation of the Food and Drugs Act, of a quantity of dried apples which were adulterated.

Microscopical examination of a sample of the product by the Bureau of Chemistry of this department showed it to be a filthy product, covered with excreta, some pieces dirty and moldy. The product was composed of small thin slices and pieces, was of average color, and contained very little core. There was an odor of fermentation present; 2 live larvæ and 12 insects were taken from the sample; excreta outside, 67.9 per cent; excreta inside, 32.1 per cent.

Adulteration of the product was alleged in the information for the reason that it consisted in whole or in part of a filthy, putrid, and decomposed vegetable substance.

On January 19, 1915, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 1, 1915.*

3773. Adulteration and misbranding of sirup of tamarind (sciroppo tamarindo). U. S. v. Frank Morelli and Louis Botta (Morelli & Botta). Pleas of guilty. Fine, $10. (F. & D. No. 6075. I. S. No. 2010-h.)

On March 11, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Frank Morelli and Louis Botta, trading under the firm name of Morelli & Botta, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on July 9, 1913, from the State of New York into the State of Maryland, of a quantity of sirup of tamarind, which was adulterated and misbranded. The product was labeled: (Retail packages) "Sciroppo Tamarindo Dia Especially Prepared for Italo American Liquor Mfg. Co. New York, U. S. A." (Sticker pasted on) "This bottle contains fluid ounces 25" (also scene of statue and Italian girl.) (Neck label) "Trade Dia Mark."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Contents (fluid ounces)	21.48
Shortage (per cent)	14.08
Total solids (per cent)	67.31
Reducing sugars (per cent)	64.60
Sucrose (per cent)	0.90
Total acid as tartaric (per cent)	1.23
Test for tartaric acid: Positive.	
Test for citric acid: Positive.	
Color: Caramel.	
Ash (per cent)	0.07
P_2O_5: Mere trace.	

Adulteration of the product was alleged in the information for the reason that a preparation consisting of a sugar solution, tartaric acid, and artificial coloring matter, had been substituted in whole or in part for the true tamarind sirup, possessing and deriving its flavor from the tamarind fruit, which the said article purported to be. Misbranding was alleged for the reason that the statement "Sciroppo Tamarindo," appearing on the label aforesaid, regarding the said article and the ingredients and substances therein contained, was false and misleading in that it indicated that said article consisted of a true sirup of tamarind, an article of food possessing the flavor of tamarind fruit and deriving its flavor from the fruit or juice of the tamarind, when, in truth and in fact, the said article did not consist of a true sirup of tamarind, an article of food possessing the flavor of tamarind fruit and deriving said flavor from the fruit or juice of the tamarind, but did consist, in whole or in part, of a sugar solution, artificially colored, and flavored with tartaric acid. Misbranding was alleged for the further reason that the article was labeled and branded so as to deceive and mislead the purchaser, being labeled "Sciroppo Tamarindo," thereby indicating that it consisted of a true sirup of tamarind, an article of food possessing the flavor of tamarind fruit and deriving its flavor from the fruit or juice of the tamarind, when, in truth and in fact, the said article did not consist of a true sirup of tamarind, an article of food possessing the flavor of tamarind fruit and deriving said flavor from the fruit or juice of the tamarind, but did consist, in whole or in part, of a sugar solution, artificially colored, and flavored with tartaric acid. Misbranding was alleged for the further reason that the article was an imitation of tamarind sirup, being a sugar solution, tartaric acid, and artificial coloring matter, and prepared so as to simulate the appearance and flavor of a true tamarind sirup, an article possessing the flavor of tamarind fruit and deriving its flavor from the fruit or juice of the tamarind. Misbranding was alleged for the further reason that the statement "This bottle contains fluid ounces 25," appearing on the label of the package aforesaid, was false

and misleading, in that it indicated to the purchasers thereof that the said package contained 25 fluid ounces of said article of food, when, in truth and in fact, the said package did not contain 25 fluid ounces of said article of food, but did contain a less amount thereof, to wit, 21.48 fluid ounces. Misbranding was alleged for the further reason that the package aforesaid was labeled "This bottle contains fluid ounces 25" so as to deceive and mislead the purchaser into the belief that the said package contained 25 fluid ounces of the said article of food, when, in truth and in fact, the said package did not contain 25 fluid ounces of the said article of food, but did contain a less amount thereof, to wit, 21.48 fluid ounces.

On March 23, 1915, the defendants entered pleas of guilty to the information, and the court imposed a fine of $5 upon each defendant, or an aggregate fine of $10.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 1, 1915.*

3774. Misbranding of macaroni. U. S. v. 1,600 Boxes of Macaroni * * *. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6077. I. S. No. 1353-k. S. No. C-110.)

On November 9, 1914, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,600 boxes of macaroni, remaining unsold in the original unbroken packages at Youngstown, Ohio, alleging that the product had been shipped in interstate commerce by the Connellsville Macaroni Co., Connellsville, Pa., and transported from the State of Pennsylvania into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Paste Alimentari di Pura Semola La Premiata Brand."

Misbranding of the product was alleged in the libel for the reason that the same was labeled and packed so as to convey the impression of Italian origin, whereas, in truth and in fact, said macaroni was manufactured and packed by the Connellsville Macaroni Co., at Connellsville, Pa.

On November 19, 1914, the said Connellsville Macaroni Co., claimant, Connellsville, Pa., having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be redelivered to said claimant upon payment of all the costs of the proceedings and the execution of bond in the sum of $500, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 1, 1915.*

3775. Misbranding of "Keller's Flaxseedine." U. S. v. Joseph A. Owens et al. (Carr, Owens & Co.). Plea of guilty. Fine, $50. (F. & D. No. 6079. I. S. No. 4672-e.)

On March 12, 1915, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Joseph A. Owens, James Owens, and John W. Carr, trading under the firm name of Carr, Owens & Co., Baltimore, Md., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about January 14, 1913, from the State of Maryland into the State of Delaware, of a quantity of "Keller's Flaxseedine" which was misbranded. The product was labeled (On bottle): "Keller's Flaxseedine. Alcohol about 8%. Prepared only by Carr, Owens & Company Baltimore. Guaranteed by Carr, Owens & Co., under the Pure Food & Drugs Act, June 30th, 1906, No. 2126. No opium, No poison A pleasant, safe and effectual Remedy for Coughs, Colds, Bronchitis, Hoarseness, Consumption and all Throat and Lung Troubles, also an excellent Laxative. Dose: Two Teaspoonfuls every 2 or 3 hours or oftener if Cough is troublesome Children 3 to 5 years old ½ Teaspoonful Where there is a tendency to constipation, doses may be increased without injury as the medicine contains no opium or other poisons." (On carton) "Keller's Flaxseedine Trade Mark Contains 8% Alcohol Prepared by Carr, Owens & Co. Manufacturing Pharmacists. Baltimore, Md. Highly Recommended for every form of Colds, Coughs and Throat Irritation Price 25 Cents. A Distinctively Family Remedy of Universally Approved Ingredients. A True Laxative for Coughs and Colds. Flaxseedine Trade Mark. A Welcome Remedy (Keller's Flaxseedine) of unusual curative powers For Dispelling Fresh or Deepseated Coughs, Colds, and Throat Affections. Prepared by Carr, Owens & Company Manufacturing Pharmacists, Baltimore, Md. Flaxseedine the Food Old Family Remedy Contains the essential curative properties of the Flaxseed and other Balsamic Ingredients. A True Laxative for Coughs and Colds. Flaxseedine Trade Mark. Guaranteed by Carr, Owens and Company Under the Pure Food and Drugs Act, June 30th, 1906. No. 2126." (On shipping package) "One Dozen Flaxseedine Alcohol About 8 Per Cent For Coughs, Colds and Consumption Prepared only by Carr, Owens & Company Wholesale Druggists, Baltimore, Md. Guaranteed by Carr, Owens & Company under the Food and Drugs Act, June 30, 1906. Number 2126."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the product to be a mucilagenous sirup containing alcohol 4.6 per cent, gum, and plant extracts, the taste indicating the presence of flaxseed, molasses, and senna.

Misbranding of the product was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the labels aforesaid, to wit, (On shipping package) "Flaxseedine * * * For Consumption." (On bottle) " * * * Flaxseedine * * * effectual Remedy for * * * Bronchitis, * * * Consumption and all Throat and Lung Troubles * * *." (On carton) " * * * Flaxseedine * * * a * * * Remedy of unusual curative powers For Dispelling * * * Deepseated Coughs, Colds, and Throat Affections," were false and fraudulent in that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof and create in the minds of purchasers thereof the impression and belief that it was, in whole or in part, composed of or contained ingredients or medicinal agents effective, among other things, as an effectual remedy for bronchitis, consumption, and all throat and lung troubles, and effective as a remedy of unusual curative powers for dispelling deepseated coughs, colds, and throat affections, when, in truth and in fact, said article was not, in whole or in part, composed of and did not contain ingredients or medicinal agents effective, among other things, as an effectual remedy for bronchitis, consumption, or all throat or lung troubles, or effective as a remedy for dispelling deepseated colds, coughs, or throat affections.

On March 12, 1915, pleas of guilty were entered on behalf of the defendants, and the court imposed a fine of $50.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 1, 1915.*

3776. Adulteration of tomato pulp. U. S. v. 109 Barrels of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6080. I. S. No. 533-k. S. No. E-158.)

On November 10, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 109 barrels of tomato pulp, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped on or about November 2, 1914, and transported from the State of Delaware into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in the libel for the reason that the said article consisted, in part, of a filthy, decomposed, and putrid vegetable substance, to wit, decayed tomato.

On December 4, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 1, 1915.*

3777. Adulteration of tomato pulp. U. S. v. 78 Cases * * * of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6083. I. S. No. 11245-k. S. No. C-115.)

On November 10, 1914, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 78 cases, each containing 24 cans of tomato pulp, remaining unsold in the original unbroken packages at Cincinnati, Ohio, alleging that the product had been shipped and transported in interstate commerce from the State of Indiana into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Our Best Tomato Pulp. Packed by Austin Canning Co., Austin, Ind. Roanoke Valley. * * * From Austin Canning Co., Incorporated. Packers of Extra Quality Canned Foods, Austin, Indiana."

Adulteration of the product was alleged in the libel for the reason that it contained and consisted of a filthy and decomposed vegetable substance.

On January 9, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 1, 1915.*

3778. Adulteration and misbranding of oil of birch. U. S. v. 4 Packages * * * Oil of Birch. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6085. I. S. No. 1728-k. S. No. E-159.)

On November 10, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 packages, containing approximately 200 pounds, of a product purporting to be oil of birch, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped on or about November 2, 1914, and transported from the State of Tennessee into the State of New York, and charging adulteration and misbranding, in violation of the Food and Drugs Act. The product bore no labels except shipping directions, but was invoiced as "Oil of Birch."

Adulteration of the product was alleged in the libel for the reason that it was offered for sale as oil of birch, when, in fact, it consisted largely of methyl salicylate, which had been mixed and packed with and substituted for oil of birch. Misbranding was alleged for the reason that the product was offered for sale and invoiced by the shipper thereof as oil of birch, whereas, in truth and in fact, the product consisted largely of methyl salicylate, which was substituted for the pure oil.

On December 4, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 1, 1915.*

3779. Adulteration and misbranding of so-called grape jelly. U. S. v. John McMahon et al. (Colonial Conserve Co.). Plea of guilty. Fine, $10. (F. & D. No. 6086. I. S. No. 3387-h.)

At the December, 1914, term of the District Court of the United States within and for the Eastern District of Pennsylvania the United States attorney for the said district, acting upon a report by the Secretary of Agriculture, filed in the District Court aforesaid an information against John McMahon, Walter S. Humphreys, and Robert J. Purdy, trading under the firm name of the Colonial Conserve Co., Philadelphia, Pa., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about December 24, 1913, from the State of Pennsylvania into the State of New Jersey, of a quantity of so-called grape jelly which was adulterated and misbranded. The product was labeled: "Invincible Brand Pure Jelly—Grape—Pure cane sugar and fruit juice. Distributed by Herman Kussey Co., Newark, N. J. 8 Oz. Net."

A microscopical examination of a sample of the product by the Bureau of Chemistry of this department showed that it did not consist entirely of grape jelly, but that there was present a substantial amount of apple product.

Adulteration of the product was alleged in the information for the reason that a certain substance, to wit, an apple product, had been mixed and packed with the article so as to reduce or lower or injuriously affect its quality or strength; and the said article was further adulterated in that a certain substance, to wit, an apple product, had been substituted in part for pure grape jelly which the article purported to be. Misbranding was alleged for the reason that the following statement appearing on the label aforesaid, "Pure Jelly—Grape," was false and misleading in that it indicated to purchasers thereof that said article of food consisted wholly of pure grape jelly, when, in truth and in fact, the said article of food did not consist wholly of pure grape jelly, but consisted of a mixture of grape jelly and an apple product; and the said article was further misbranded in that it was labeled "Pure Jelly—Grape," so as to deceive and mislead the purchaser into the belief that the same consisted wholly of pure grape jelly, when, in truth and in fact, said article did not consist wholly of pure grape jelly, but did consist of a mixture of grape jelly and an apple product.

On January 21, 1915, a plea of guilty to the information was entered on behalf of the defendants, and the court imposed a fine of $10.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 1, 1915.*

3780. Adulteration and misbranding of so-called cognac type brandy. U. S. v. 5 Cases of * * * Cognac Type Brandy. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6092. I. S. No. 1676-k. S. No. E-162.)

On November 12, 1914, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases containing a product purporting to be cognac type brandy, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been shipped by Charles Spiegel & Co., Inc., New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel because substances, to wit, neutral spirits, had been mixed and packed with said article in such a manner as to reduce, lower, and injuriously affect its quality and strength. Misbranding was alleged for the reason that said food upon said packages and labels thereof bore certain statements, designs, and devices regarding the ingredients and substances contained in said food, that is to say, the following words, "F. Bremon and Co. C. S. and Co. type F. Bremon and Cie. brand Cognac Type," and three stars prominently displayed thereon, which statements, designs, and devices were false and misleading, because they would lead the purchaser to believe that said food consisted of cognac type brandy, whereas, in truth and in fact, it did not consist of cognac type brandy.

On January 25, 1915, the said Charles Spiegel & Co., Inc., claimant, having consented to a decree and agreed to pay the costs of the proceedings, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered and surrendered to said claimant upon the execution of bond in the sum of $100, in conformity with section 10 of the act.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *April 26, 1915.*

3781. Adulteration of tomato conserve. U. S. v. 10 Cases, more or less, of Tomato Conserve. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6093. I. S. No. 1357-k. S. No. C-126.)

On November 14, 1914, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 cases, more or less, of tomato conserve, remaining unsold in the original unbroken packages at Youngstown, Ohio, alleging that the product had been shipped, on or about October 23, 1914, and transported from the State of New York into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Conserva Di Tomate Packed by our special process Rossa Guaranteed by American Conserve Co. under the Food and Drugs Act, June 30, 1906. Serial No. 9270. Trade mark (design, girl in foreign costume carrying basket of tomatoes and can of tomatoes) Marca Registrata Containing 1-10 of 1% of Benzoate of Soda and 15% of Salt. This can contains about 4 lbs. 12 oz. net weight. Tomato Conserve (design, medals of award and flags) American Conserve Co., New York. (Directions in English and Italian)."

It was alleged in the libel that the product in said 10 cases smelled sour and consisted in part of decomposed vegetable matter which was affected with and showed an abnormal quantity of yeasts and spores, together with bacteria and mold filaments, the presence of which in said tomato conserve rendered the same a filthy, decomposed, and putrid vegetable substance, unfit for food or as an ingredient of food, and on account of the condition of said tomato conserve it was charged that each and all the packages thereof were adulterated in violation of paragraph 6 under "Food" of section 7 of the act of Congress, commonly known and designated as the Food and Drugs Act.

On January 12, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *April 26, 1915.*

3782. Adulteration and misbranding of so-called apple brandy. U. S. v. Julius Moyse (Moyse Bros.). Plea of guilty. Fine, $300 and costs. (F. & D. No. 6094. I. S. No. 2969-h.)

On January 7, 1915, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Julius Moyse, trading as Moyse Bros., Cincinnati, Ohio, alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about October 28, 1912, from the State of Ohio into the State of Louisiana, of a quantity of so-called apple brandy which was adulterated and misbranded. The product was labeled: (Main label) "Apple Brandy" (picture of apple). (Back label) "Compound Guaranteed under the National Pure Food Law, June 30, 1906 Moyse Brothers, Cincinnati, Ohio." (Strip across stopper) "Moyse Bros. Cincinnati, O. To Guard Against Refilling See That This Seal is Unbroken."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results, expressed as parts per 100,000 of 100 proof alcohol, unless otherwise stated:

Proof (degrees)	79.3
Alcohol (per cent by volume)	39.65
Solids	71.8
Acid as acetic	15.1
Esters as ethyl acetate	17.7
Aldehydes	6.6
Furfural	1.01
Fusel oil	10.0

Color insoluble in amyl alcohol: Practically all.
Color insoluble in water: Practically none.
Color: Caramel.

This product is a mixture of neutral spirits and brandy.

Adulteration of the product was alleged in the information for the reason that a substance, to wit, neutral spirits, had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength, and, further, in that a substance, to wit, neutral spirits, had been substituted in part for what the article, by its label, purported to be, to wit, apple brandy. Misbranding was alleged for the reason that the statement borne on the label attached to the bottle containing the article, to wit, "Apple Brandy," was false and misleading in that it purported and represented that said article was apple brandy, whereas, in truth and in fact, said article was not apple brandy, but was a mixture of apple brandy and neutral spirits. Misbranding was alleged for the further reason that the article was offered for sale and sold under the distinctive name of another article, to wit, apple brandy, whereas, in truth and in fact, it was not apple brandy, but was a mixture of apple brandy and neutral spirits. Misbranding was alleged for the further reason that the article was labeled apple brandy so as to deceive and mislead the purchaser into the belief that it consisted entirely of apple brandy, whereas, in truth and in fact, it did not so consist, but consisted of a mixture of apple brandy and neutral spirits.

It was further alleged in the information that on June 28, 1912, a criminal information was filed in the District Court of the United States for the Southern District of Ohio, charging the defendant with having shipped in interstate commerce a quantity of peach brandy which was adulterated and misbranded in violation of said act, and that on July 12, 1912, in said court, upon a plea of guilty, the defendant was sentenced to pay a fine of $25 and costs.

On March 17, 1915, the defendant entered a plea of guilty in the present case, and the court imposed a fine of $300 and costs.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *April 26, 1915.*

3783. Adulteration of tomato pulp. U. S. v. 162 Cases and 67 Cases, more or less, of Tomato Pulp. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 6097, 6098. I. S. Nos. 11114-k, 11116-k. S. No. C-119.)

On November 14, 1914, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 162 cases and 67 cases, more or less, each containing 4 dozen cans of tomato pulp, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped on September 5, 1914, and transported from the State of Maryland into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libels for the reason that when it was so shipped as aforesaid it consisted wholly of a filthy animal [vegetable] substance; for the further reason that it consisted in part of a filthy animal [vegetable] substance; for the further reason that it consisted wholly of a decomposed animal [vegetable] substance; for the fruther reason that it consisted in part of a decomposed animal [vegetable] substance; for the further reason that it consisted wholly of a putrid animal [vegetable] substance; and for the further reason that it consisted in part of a putrid animal [vegetable] substance.

On January 5, 1915, no claimant having appeared for the product, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *April 26, 1915.*

3784. Adulteration of tomato pulp. U. S. v. 20 Cases * * * of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6099. I. S. No. 11251-k. S. No. C-121.)

On November 13, 1914, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 cases, each containing 24 cans of tomato pulp, remaining unsold in the original unbroken packages at Cincinnati, Ohio, alleging that the product had been shipped and transported in interstate commerce from the State of Indiana into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The cases were labeled: "No. 2½ Our Best Tomato Pulp." The cans were labeled: "Our Best Tomato Pulp—Reg. U. S. Pat. Off. Contents 1 lb., 12 oz. Roanoke Valley—Packed by Austin Canning Co., Austin, Ind."

Adulteration of the product was alleged in the libel for the reason that it contained and consisted of a filthy and decomposed vegetable substance.

On January 9, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *April 26, 1915.*

3785. Adulteration and misbranding of so-called birch oil. U. S. v. 5 Packages * * * of * * * Birch Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6104. I. S. No. 1727-k. S. No. E-163.)

On November 14, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 packages containing approximately 250 pounds of a product purporting to be birch oil, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped and transported from the State of Tennessee into the State of New York, the shipment arriving on or about November 2, 1914, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product bore no label except shipping directions, but was invoiced as "Birch oil."

Adulteration of the product was alleged in the libel for the reason that it was offered for sale as birch oil, when in fact it consisted largely of methyl salicylate, which had been mixed and packed with and substituted for birch oil. Misbranding was alleged for the reason that the product was offered for sale and invoiced as birch oil, whereas, in truth and in fact, the said article consisted largely of methyl salicylate, which was substituted for the pure oil.

On December 8, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *April 26, 1915.*

3786. Adulteration of evaporated apples. U. S. v. 24 Boxes * * * of Evaporated Apples. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 6107. I. S. No. 12493-k. S. No. C-123.)

On November 18, 1914, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 24 boxes, more or less, of evaporated apples, remaining unsold in the original unbroken packages at Minneapolis, Minn., alleging that the product had been shipped on September 27, 1914, and transported from the State of Arkansas into the State of Minnesota, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "25 Lbs. Net When Packed Sulphur Bleached Favorite Brand Sliced Evaporated Apples Contains 1–10 of 1% Benzoate Soda, Excelsior Dried Fruit Co., Fayetteville, Ark."

Adulteration of the product was alleged in the libel for the reason that the same had been mixed and packed with water so as to reduce, lower, and injuriously affect its quality, and, further, that a substance, to wit, water, had been substituted wholly and in part for the article, evaporated apples.

On December 28, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *April 26, 1915.*

3787. Adulteration and misbranding of so-called oil of birch. U. S. v. 4 Packages * * * Oil of Birch. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6113. I. S. Nos. 1731-k, 1734-k. S. No. E-164.)

On November 16, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 packages, containing approximately 200 pounds of a product purporting to be oil of birch, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped from the State of Tennessee into the State of New York, the shipment having been received on or about November 5 and 6, 1914, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was ordered by consignee and forwarded by shipper as oil of birch.

Adulteration was alleged in the libel for the reason that the product was offered for sale as oil of birch, when, in fact, it consisted largely of methyl salicylate which had been mixed, packed with, and substituted for oil of birch. Misbranding was alleged for the reason that said product was offered for sale by the shipper thereof as oil of birch, whereas, in truth and in fact, said product consisted largely of methyl salicylate which was substituted for the pure oil.

On January 14, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *April 26, 1915.*

3788. Misbranding of "Tutt's Pills." U. S. v. Brent Good et al. (The Dr. Tutt Mfg. Co.). Plea of guilty. Fine, $30. (F. & D. No. 6117. I. S. No. 6441-e.)

On January 21, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Brent Good, Harry H. Good, and Susan H. Hoyt, trading as The Dr. Tutt Mfg. Co., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on March 8, 1913, from the State of New York into the State of Louisiana, of a quantity of an article called "Tutt's Pills," which was misbranded. The product was labeled: "No. 442 Guaranteed Under the Food and Drugs Act, June 30, 1906. Dr. Tutt's Liver Pills. All Genuine Tutt's Pills will have my signature—W. A. Tutt M. D." The pamphlet or circular with the product included, in part, the following statements: "Tutt's Pills are peculiarly adapted to the following diseases: Bilious, Intermittent, and Remittent Fevers, Sick Headache, Piles, Indigestion, Costiveness, Colic, Jaundice, Dropsy, Dysentery, Heartburn, Loss of Appetite, Dyspepsia, Diseases of the Liver, Kidneys and Bladder, Eruptions of the Skin, Nervousness, and all disorders that arise from a Diseased Liver or Impure Blood." "Painful Menstruation or Suppression will be relieved by full doses of Tutt's Pills." "Morning Sickness.—Peculiar to females, will be avoided by the use of Tutt's Pills."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Moisture (per cent)	04.9
Ash (per cent)	0.86
Aloes (per cent) about	53
Wheat starch (per cent)	4.2
Total sugars as invert (per cent)	8.7
Mercurous chlorid (per cent)	26.94
Each pill contains 0.0448 gram, or 0.69 grain, mercurous chlorid (calomel).	
Average weight per pill (grams)	0.166

This product consists mainly of sugar, aloes, starch, and calomel.

Misbranding of the product was alleged in the information for the reason that the package contained a printed pamphlet or circular which bore statements regarding the curative and therapeutic effects of said article and of the ingredients and substances therein contained, to wit, "Tutt's pills are peculiarly adapted to the following diseases: * * * Intermittent and Remittent Fevers * * * Dropsy, Dysentery * * * Diseases of the * * * Kidneys and Bladder, * * * and all disorders that arise from a Diseased Liver or Impure Blood. Painful Menstruation * * * will be relieved by full doses of Tutt's Pills. Morning Sickness.—Peculiar to females, will be avoided by the use of Tutt's Pills," which were false and fraudulent in that they were applied to said article knowingly and in disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof and create in the minds of purchasers thereof the impression and belief that the said article was, in whole or in part, composed of or contained ingredients or medicinal agents, effective, among other things, as a remedy for intermittent and remittent fevers, dropsy, dysentery, diseases of the kidneys and bladder, and all disorders that arise from a diseased liver or impure blood; and effective for relieving painful menstruation, and effective for preventing morning sickness peculiar to females; whereas, in truth and in fact, said article was not, in whole or in part, composed of and did not contain ingredients or medicinal agents effective as a remedy for intermittent and remittent fevers, dropsy, dysentery, diseases of the kidneys or bladder, and all disorders that arise from a diseased liver or impure blood; and effective for relieving painful menstruation, and effective for preventing morning sickness peculiar to females.

On January 28, 1915, the defendants entered pleas of guilty to the information, and the court imposed a fine of $10 as to each defendant, the aggregate fine being $30.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *April 26, 1915.*

3789. Adulteration and misbranding of vinegar. U. S. v. 20 Barrels * * * of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6120. I. S. No. 1359-k. S. No. C-130.)

On November 20, 1914, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 barrels, more or less, of vinegar, remaining unsold in the original unbroken packages at Youngstown, Ohio, alleging that the product had been shipped on or about August 26, 1914, and transported from the State of Pennsylvania into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "The H. N. Crosby Co. De Luxe Syrup Vinegar Serial No. 36561 Pittsburgh, Pa."

It was alleged in the libel that an examination of an official sample from said barrels of vinegar showed that the product was not sirup vinegar, as the labels indicated, but that it consisted, in whole or in part, of a dilute solution of acetic or distilled vinegar, which had been prepared in imitation of sirup vinegar, and which had been substituted for it in such manner as to reduce and lower and injuriously affect its quality and strength, and that the product was deficient in acid strength, and was adulterated in violation of paragraphs 1 and 2 under "Food" of section 7 of the Food and Drugs Act. It was further alleged in the libel that, in being labeled "Syrup Vinegar," when in fact the article consisted in whole or in part of a dilute solution of acetic acid or distilled vinegar, which had been prepared in imitation of sirup vinegar, said 20 barrels of vinegar, when shipped as aforesaid, were misbranded in violation of the first general paragraph of section 8 and of paragraphs 1 and 2 under "Food" of section 8 of said Food and Drugs Act.

On February 16, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *April 26, 1915.*

3790. Adulteration and misbranding of vinegar. U. S. v. 15 Barrels * * * of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6121. I. S. No. 1361-k. S. No. C-131.)

On November 20, 1914, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 15 barrels, more or less, of vinegar, remaining unsold in the original unbroken packages at Youngstown, Ohio, alleging that the product had been shipped on August 26, 1914, and transported from the State of Pennsylvania into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "The H. N. Crosby Co. De Luxe Pure Cider Vinegar Serial No. 36561 Pittsburgh, Pa."

It was alleged in the libel that an examination of an official sample from said barrels of vinegar showed that the product was not pure cider vinegar, as the labels indicated, but that it consisted of a dilute solution of acetic acid or distilled vinegar, which had been colored in imitation of cider vinegar and which had been mixed and packed with and substituted for it in such manner as to reduce and lower and injuriously affect its quality and strength, wherefore said vinegar was adulterated in violation of paragraphs 1, 2, and 4 under "Food" of section 7 of the Food and Drugs Act. It was further alleged in the libel that the product, in being labeled "Pure Cider Vinegar," when in fact the article consisted of a dilute solution of acetic acid or distilled vinegar which had been colored in imitation of cider vinegar, said 15 barrels of vinegar, when shipped as aforesaid, were misbranded in violation of paragraphs 1 and 2 under "Food" and the first general paragraph of section 8 of said Food and Drugs Act.

On February 16, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 8, 1915.*

3791. Adulteration and misbranding of so-called cognac brandy. U. S. v. 3 Cases of * * * Cognac Brandy. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6126. I. S. No. 1697-k. S. No. E-167.)

On November 23, 1914, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 cases containing a product purporting to be cognac brandy, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been shipped by Charles Spiegel & Co., Inc., New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel because substances, to wit, neutral spirits, had been mixed and packed with said article in such a manner as to reduce, lower, and injuriously affect its quality and strength. Misbranding was alleged for the reason that said food upon certain packages and labels thereof bore certain statements, designs, and devices regarding the ingredients and substances contained in said food, that is to say, the following words, "Francois Bremon and Cie, Cognac" and "From France," which said statements, designs, and devices were false and misleading, because they would lead the purchaser to believe that said food consisted of cognac brandy, whereas, in truth and in fact, it did not consist of cognac brandy.

On January 25, 1915, the said Charles Spiegel & Co., Inc., claimant, having consented to a decree and agreed to pay the costs of the proceedings, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered and surrendered to said claimant upon the execution of bond in the sum of $100, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 8, 1915.*

3792. Adulteration of hams. U. S. v. 12 Hams. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6132. S. No. C-135.)

On November 25, 1914, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 12 hams, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the product had been shipped on or about November 11, 1914, and transported from the State of Illinois into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it consisted when shipped in whole or in large part of a rancid or decomposed substance, and was of a deleterious character[1] and unfit for use as food within the meaning of the said act of Congress.

On January 21, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 8, 1915.*

[1] When this case was reported for action, seizure of the product was not recommended by the Department of Agriculture on the ground that said product was "of a deleterious character."

3793. Adulteration of tomato paste. U. S. v. 112 Barrels of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6135. I. S. Nos. 250-k, 251-k, 252-k. S. No. E-169.)

On November 27, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 112 barrels of tomato paste, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped on or about October 20, 1914, and transported from the State of Delaware into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the product was liable to condemnation and confiscation for the reason that each of said barrels contained an article of food, to wit, tomato paste, which, being a vegetable substance, was adulterated contrary to the provisions of said Food and Drugs Act in that said article of food consisted in particular [part] of a filthy, decomposed, and putrid vegetable substance, to wit, decayed tomato, contrary to the provisions of section 7, subdivision 6, under "Food," of said Food and Drugs Act.

On February 23, 1915, claim to the property having been withdrawn, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 8, 1915.*

3794. Adulteration and misbranding of brandy. U. S. v. 5 Cases of * * * Brandy. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6149. I. S. No. 1700-k. S. No. E-173.)

On December 4, 1914, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases containing a product purporting to be brandy, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been shipped by Charles Spiegel & Co., Inc., New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel because substances, to wit, neutral spirits, had been mixed and packed with said article in such a manner as to reduce, lower, and injuriously affect its quality and strength. Misbranding was alleged for the reason that said food upon certain packages and labels thereof bore certain statements, designs, and devices regarding the ingredients and substances contained in said food, that is to say, the following words, "From France," "Francois Bremon and Cie, Cognac," and a number of stars prominently displayed thereon, which said statements, designs, and devices were false and misleading because they would lead the purchaser to believe that said food consisted of brandy, whereas, in truth and in fact, it did not consist of brandy.

On January 25, 1915, the said Charles Spiegel & Co., Inc., claimant, having consented to a decree and agreed to pay the costs of the proceedings, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered and surrendered to said claimant upon the execution of bond in the sum of $100, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 8, 1915.*

3795. Misbranding of "Universal Rheumatic Remedy." U. S. v. Read Drug & Chemical Co. Plea of nolo contendere. Fine, $50. (F. & D. No. 6150. I. S. No. 5923-e.)

On March 13, 1915, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Read Drug & Chemical Co., a corporation, Baltimore, Md., alleging shipment by said company, on or about January 13, 1913, from the State of Maryland into the State of Pennsylvania, of a quantity of "Universal Rheumatic Remedy," which was misbranded in violation of the Food and Drugs Act, as amended. The product was labeled: (On carton) "New Style Adopted June 1, 1908. Trade Mark The Universal Rheumatic Remedy. Pat. Aug. 14, 1884. Dr. Herndon's Gypsy's Gift Rheumatic Remedy Alcohol 33%. A thoroughly reliable constitutional remedy for all forms of Rheumatism. This preparation possesses the uncommon quality of doing exactly what is claimed for it, usually relieving the patient in a few hours, and is of great benefit in all cases of Rheumatism. Price $1.00. Owned and Controlled By the Read Drug & Chemical Co., Baltimore, Md." (On back of carton) "Gypsy's Gift The Guaranteed Remedy for Rheumatism." (On sides of carton) "The only Remedy for Rheumatism yet discovered, which is all-sufficient and speedy in its action on the blood. For the prompt and radical relief of Rheumatism in its worst stages. Prepared only By Read Drug & Chemical Co., Baltimore, Md." (On bottle) "Read's Drugs & Sundries, Sole Owners & Distributors of Goodwin's Preparations, Read's Herndon's Gypsy Gift, Etc. The Gypsy's Gift Contains 33% Alcohol. A Remedy for Rheumatism in all its forms, Acute, Inflammatory or Chronic, Gout, Neuralgia, Sciatica, Lumbago, Swellings, Pains in the Back, Limbs or Joints and all affections due to an excess of Uric Acid in the Blood. Directions: One teaspoonful in water three times a day after meals. Drink freely of pure water. For persons in delicate health, children, or the aged, reduce the dose to suit the case. Price, One Dollar. Owned and Controlled by the Read's Drug & Chemical Co., Baltimore, Md. Prepared only by Read Drug & Chemical Co., Baltimore, Md." (Blown in bottle) "That is medicine which cures."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it consisted of a hydroalcoholic solution containing 13.32 per cent solids and 34.70 per cent alcohol; no methyl alcohol present; of the 13.32 per cent solids, 7.26 per cent were mineral and 6.06 per cent non-mineral solids; the mineral solids were mainly potassium iodid; the non-mineral solids contained the alkaloid colchicin with fat and resin and also a small amount of reducing sugars.

Misbranding of the product was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects, appearing on the label aforesaid, to wit: (On bottle) "* * * A remedy for Rheumatism in all its forms." (On carton) "* * * A thoroughly reliable constitutional remedy for all forms of rheumatism." "This preparation possesses the uncommon quality of doing exactly what is claimed for it, usually relieving the patient in a few hours, and is of great benefit in all cases of rheumatism." "For the * * * radical relief of rheumatism in its worst stages." "The only remedy for rheumatism yet discovered which is all-sufficient and speedy in its action on the blood." "* * * The guaranteed remedy for rheumatism," were false and fraudulent in this, that the same were applied to said article knowingly, and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof, the impression and belief that it was, in whole or in part, composed of or contained ingredients or medicinal agents effective, among other things, as a remedy for rheumatism in all its forms and effective as a remedy for all forms of rheumatism; and effective as a relief in all cases of rheumatism; and effective as a relief for rheumatism in its worst stages; when, in truth and in fact, said article was not, in whole or in part, composed of

and did not contain ingredients or medicinal agents effective, among other things, as a remedy for rheumatism in all its forms, or effective as a remedy for all forms of rheumatism, or effective as a relief in all cases of rheumatism, or effective as a relief for rheumatism in its worst stages.

On March 13, 1915, the defendant corporation entered a plea of nolo contendere to the information, and the court imposed a fine of $50.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 8, 1915.*

3796. Adulteration of so-called Green Cord Brand California figs. U. S. v. 1,200 Boxes of * * * California Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6156. I. S. No. 12137-k. S. No. C-114.)

On December 2, 1914, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,200 boxes, more or less, each containing 50 retail packages of so-called Green Cord Brand California figs, remaining unsold in the original unbroken packages at Detroit, Mich., alleging that the product had been shipped on or about August 28, 1914, and transported from the State of California into the State of Michigan, and charging adulteration in violation of the Food and Drugs Act. The cases were labeled: "Green Cord, 50-6 oz. Choice California Figs. The J. K. Armsby Co. Fresno California, Bleached with Sulphur Dioxide." The retail packages were labeled: "Green Cord Brand California Figs, prepared with Sulphur Dioxide. Net Weight Six Ounces, Choice, The J. K. Armsby Co. Fresno, Cal. Registered."

It was alleged in the libel that the product was adulterated in violation of the act of June 30, 1906, known as the Food and Drugs Act, and was liable to condemnation and was confiscable, for the reason that the figs were shipped and consigned as aforesaid in original unbroken packages and sold by the consignor thereof as pure and unadulterated, whereas, in truth and in fact, the said "Green Cord Choice California Figs" were not pure and unadulterated food but were adulterated in that they were moldy.

On February 15, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 8, 1915.*

3797. Misbranding of "Green Mountain Oil or Magic Pain Destroyer." U. S. v. The Charles N. Crittenton Co. Plea of guilty. Fine, $100. (F. & D. No. 6165. I. S. No. 9116-e.)

On March 11, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Charles N. Crittenton Co., a corporation, New York, N. Y., alleging shipment by said company, on January 11, 1913, from the State of New York into the State of Maryland, of a quantity of "Green Mountain Oil or Magic Pain Destroyer," which was misbranded in violation of the Food and Drugs Act, as amended. The product was labeled: (On carton) "One Dozen Green Mountain Oil or Magic Pain Destroyer. Alcohol 6%. Guaranteed by L. S. Squires under the Food and Drugs Act, June 30, 1906. No. 264. Prepared For L. S. Squires, Proprietor." (On bottle) "Green Mountain Oil or Magic Pain Destroyer. Alcohol 6%. Guaranteed by L. S. Squires under the Food and Drugs Act, June 30, 1906. No. 264. A Remedy for Diphtheria, Croup, Deafness and Sore Eyes, Rheumatic Pains, Stiff Joints, Pains in the Back, Side or Breast, Dyspepsia, Asthma, Piles, Burns, Sore Throat, Sprains, Wounds and Bruises, Neuralgia, Croup, Toothache and Headache, Earache and Stiff Neck, Felons, Salt Rheum, Broken Breast, Erysipelas, Chilblains, and Frosted Feet. This Oil will relieve all Nervous Complaints. Directions: Bathe the afflicted parts with the Oil, and rub it in with the hand for five minutes; at the same time take 10 to 30 drops on Sugar. Prepared for L. S. Squires, Proprietor." (On back of bottle) "Use The Green Mountain Oil For Coughs and Colds. Any article of clothing stained by using this oil should be soaked in cold water before washing. Coypright Secured."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it consisted essentially of a mixture of linseed oil (about 95 per cent) with oil of sassafras, a thujone containing oil such as oil of thuja and oil of turpentine. No alcohol was found. Small amount of camphor possibly present.

Misbranding of the product was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects of said article appearing on the label of the bottle aforesaid, to wit, "Green Mountain Oil * * * A Remedy for Diphtheria, Croup, Deafness, * * * Asthma, Piles * * * Felons * * * Erysipelas," were false and fraudulent in this, that they were applied to said article knowingly, and in reckless and wanton disregard of their truth or falsity, so as to represent falsely to the purchasers thereof, and create in the minds of purchasers thereof, the impression and belief that it was, in whole or in part, composed of or contained, ingredients or medicinal agents effective as a remedy for diphtheria, croup, deafness, asthma, piles, felons, and erysipelas, when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain, ingredients or medicinal agents effective as a remedy for diphtheria, croup, deafness, asthma, piles, felons, or erysipelas.

On March 22, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $100.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 8, 1915.*

3798. Adulteration of desiccated egg product. U. S. v. 1 Barrel * * * of Desiccated Egg Product. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6166. I. S. No. 268-k. S. No. E-176.)

On December 10, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 barrel containing about 200 pounds of a certain article of food, namely, desiccated egg product, remaining unsold in the original unbroken package at New York, N. Y., alleging that the product had been shipped on or about November 13, 1914, and transported from the State of Texas into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in the libel for the reason that said article of food consisted in part of a filthy, decomposed, and putrid animal substance, to wit, desiccated eggs.

On January 14, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 8, 1915.*

3799. Misbranding of macaroni. U. S. v. 267 Boxes of Macaroni. Tried to the court. Judgment for the United States of America, libelant. Decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. Nos. 6168, 6169. I. S. Nos. 825-k, 1381-k. S. No. E-175.)

On December 11, 1914, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 267 boxes of macaroni, remaining unsold in the original unbroken packages at Pittsburgh, Pa., alleging that the product had been shipped on or about November 7 and 14, 1914, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Gusto Igiene Nettezza Pastificio Moderno Elettrico Con Prosciugazione Artificiale Vitello Brand Torre Annunziata (Italy Method) Mfg. U. S. A." In addition the label bore pictorial representations of three persons, a dining scene, etc. Boxes were also branded by means of rubber stamp "20 lb. net artificially colored."

Misbranding of the product was alleged in the libel for the reason that it was labeled and branded so as to deceive and mislead the purchaser; that is to say, the appearance and construction of the label conveyed the impression that the goods were of foreign manufacture and this effect was not cured by the statement in minute type on the bottom of the label, "Mfg. U. S. A."

On December 28, 1914, Thomas Monico and August E. Alles, partners, doing business as Monico-Alles Company, New Castle, Pa., claimants, filed their answer, denying the material allegations in the libel.

On February 17, 1915, the case having come on for trial before the court, after the submission of evidence and argument by counsel, the court found the product misbranded and ordered its condemnation, but provided that the same might be released to said claimants upon filing of bond, in conformity with section 10 of the act and the payment of costs, as will more fully appear from the following opinion by the court (Thomson, *J.*):

The libel in this case was for the seizure and condemnation of 267 boxes of macaroni, remaining unsold in the original, unbroken packages at Pittsburgh, Pa. The libel alleges that the product was shipped by the Dunkirk Macaroni & Supply Co. of Dunkirk, N. Y., and transported from the State of New York; and charges that the same was misbranded, in violation of section 10 of the Pure Food and Drugs Act, as defined in subsection 2, which defines what usually may be considered as misbranding of foods under the act of Congress.

The said food product was seized by the United States marshal in the possession of certain parties in Pittsburgh, Pa.; and was claimed by Thomas Monico and August E. Alles, partners doing business as Monico-Alles Co., who answered, and were made parties to the proceedings by the execution of bond in accordance with section 26 of the admiralty rules of this court.

The libel sets forth a copy of the label on each of the boxes of the macaroni so seized, as follows:

"Gusto Igiene Nettezza Pastificio Moderno Elettrico Con Prosciugazione Artificiale Vitello Brand Torre Annunziata (Italy Method) Mfg U. S. A."

In addition the label bears pictorial representations of three persons, a dining room scene, etc.; and boxes are branded by means of a rubber stamp, "20 lb net artificially colored."

The libel also points out specifically the respect in which the product was misbranded as follows:

"That said product, so designated as aforesaid, as analyzed by the Bureau of Chemistry, Department of Agriculture, United States of America, is shown to be misbranded in violation of said act of Congress, commonly known as the Food and Drugs Act, in that it is labeled and branded so as to deceive and mislead the purchaser; that is to say, the appearance and construction of the label conveys the impression that goods are of foreign manufacture, and this effect is not cured by statement in minute type on botton of label, 'Mfg U. S. A.'"

The answer filed admits the material facts and allegations contained in the libel, except that it is denied that the macaroni is misbranded. The question thus raised

is whether the product was misbranded, i. e., labeled so as to mislead the purchaser by conveying the impression that the goods are of foreign manufacture. The language of section 8, subsection 2 [in case of food(?)], of the act of Congress, is: "If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so." Some testimony was offered on behalf of the Government, by persons familiar with the trade, to the effect that the label would mislead the average purchaser by conveying the impression that it was a foreign product. Some evidence was also offered by the respondents that it would not convey that impression.

The court must determine the issue mainly by an inspection of the label itself. It has been held that it is not important whether the manufacturer did or did not intend to deceive. The purpose of the act is to protect the people from deception by selling him one thing when the purchaser desires to purchase another. The intention of the maker is therefore not an element in the case. (U. S. *v.* 36 Bbls. of London Dry Gin, 210 Federal Reporter, 271; McDermott *v.* Wisconsin, 228 U. S., 115.) Turning to the label itself, we find from its appearance that it is very distinctly Italian. The label proper is of the dimensions of 8½ inches by 6¼ inches, bearing pictorial representations of three persons, a dining scene, etc., with a very narrow white margin, from one-eighth to one-sixteenth of an inch in width. The name of the manufacturer and the place where the macaroni is made do not appear. Nearly all of the wording on the label proper is in the Italian language. The exceptions are in the use of the words "Vitello Brand" and "Italy Method." Between the words "Vitello" and "Brand" is the picture of a cow or calf. The testimony shows that the word "Vitello" is the Italian word for calf. The words "Torre Annunziata" are the name of a city in Italy where it appears macaroni is extensively manufactured. There is no doubt that the general purchaser, looking at that label, with its distinctly Italian caste and written in the Italian language, with nothing whatever thereon to indicate that it was of American manufacture, would at once conclude that it represented a foreign, and, in this case, an Italian product. It is claimed that the letters "Mfg. U. S. A." in small type within less than an inch of space, on the very narrow white margin on the lower edge of the label, would be notice to the purchaser of the fact that the product was manufactured in America.

It seems clear to the court that the makers did not intend bona fide to convey such notice to the purchaser by the use of these letters; but rather that they were endeavoring to protect themselves from the charge of violating the act of Congress. If it was intended that the purchaser should be informed as to where the food product was manufactured, certainly some words sufficiently conspicuous would be placed upon the label to strike the eye of the purchaser and convey the desired information. I do not think that the letters on the margin which I have quoted save the label or brand from the charge that it deceives and misleads the purchaser, and purports to be a foreign product when not so.

The court therefore finds and decrees as follows:

1. That this court has jurisdiction in this case and of the respective parties;

2. That on the 11th day of December, A. D. 1914, the United States of America, by E. Lowry Humes, its attorney, filed a libel in this court against Two Hundred and Sixty-seven Boxes of Macaroni, and that forthwith a monition was issued to the United States marshal for the Western District of Pennsylvania, under which monition thirty-three boxes of macaroni were seized in their original packages while in the possession of A. Guilano & Sons, at No. 27 Chatham Street, Pittsburgh, in the State of Pennsylvania, and one hundred and thirty-one boxes of macaroni were seized in their original packages while in the possession of V. M. Di Giorno, at 810 Webster Avenue, Pittsburgh, in the State of Pennsylvania, in the district aforesaid, and by virtue of the said monition and seizure the said macaroni is now in possession of the United States marshal at Pittsburgh, in the district aforesaid.

3. That the claimant has admitted in its answer to the libel against the goods aforesaid that Thomas Monico and August E. Alles, partners doing business as Monico-Alles Company at New Castle, State of Pennsylvania, are the owners of the goods so seized as aforesaid; that the said goods so seized were shipped from Dunkirk, in the State of New York, to Pittsburgh, in the State of Pennsylvania, and that the one hundred and sixty-four boxes of macaroni composing the interstate shipment aforesaid were in possession of A. Guilano & Sons, at 27 Chatham Street, Pittsburgh, and V. M. Di Giorno, at 810 Webster Avenue, Pittsburgh, in said district, at the time of the said seizure, and held by the said parties for sale.

4. That the case coming on for trial January 29, A. D. 1915, before the court upon stipulation filed by counsel waiving the right of trial by jury, and agreeing that the case should be determined by the court without a jury, upon the single issue joined as to whether the one hundred and sixty-four boxes of macaroni, labeled "Gusto Igiene Nettezza Pastificio Moderno Elettrico Con Prosciugazione Artificiale Vitello

Brand Torre Annunziata (Italy Method) Mfg U S A," and bearing a pictorial representation of three persons, a dining scene, etc., and also branded by means of rubber stamp, "20 lb net artificially colored," composing the interstate shipment aforesaid, and filled with an article of food called macaroni, were misbranded in manner and form as alleged in the said libel. The said court, after hearing all the evidence and argument of counsel, adjudged that the said macaroni was misbranded as alleged in the libel, and in violation of the said act of Congress of June 30, 1906.

5. It is therefore adjudged and decreed that the said one hundred sixty-four boxes of macaroni, composing the interstate shipment aforesaid, are misbranded within the terms of section 8 of the Food and Drugs Act of the United States, enacted by the Congress of the United States June 30, 1906, and the same are hereby declared to be forfeited and confiscated to the United States; and

It is further ordered, adjudged, and decreed, in lieu of the sale of the said property above described, as provided by section 10 of the Food and Drugs Act of the United States aforesaid, that upon the payment of all the costs of this libel proceeding, and the execution and delivery within ten days from this date hereof of a good and sufficient bond by the claimant, and surety to be approved by this court, or in the absence of the court by the clerk thereof, in the sum of two thousand dollars, conditioned that said claimant or claimants, his or their agent or attorneys, shall not dispose of the said macaroni, composing the shipment aforesaid, in violation of the act of Congress, enacted June 30, 1906, known as the Food and Drugs Act of the United States, or against the laws of any State, Territory, or insular possession of the said United States, the said two hundred and sixty-seven boxes of macaroni, or the portion of said shipment now in the hands of the United States marshal, to wit, one hundred and sixty-four boxes of macaroni, to be surrendered to the said claimant.

In accordance with the foregoing opinion, the product was thereafter released to said claimants.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 8, 1915.*

3800. Adulteration of tomato purée. U. S. v. Pacific Preserve Co. Plea of guilty. Fine, $150. (F. & D. No. 6170. I. S. No. 3277-h.)

On March 8, 1915, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Pacific Preserve Co., a corporation, San Francisco, Cal., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 12, 1913, from the State of California into the State of Washington, of a quantity of tomato purée which was adulterated. The product was labeled: (On shipping package) "Vienna Restaurant, Aberdeen." (On can) "P".

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

> Decomposed tomato pulp. No added starch. Sublimation test for benzoic acid, negative. Bacteria, 1,920,000,000 per cc. Spores, 37,500,000 per cc. Entire mass decomposed and permeated by more or less decomposed mold hyphæ. Wholly unfit for consumption. Some nematodes present.

Adulteration of the product was alleged in the information for the reason that it consisted, in whole or in part, of a filthy, decomposed animal or vegetable matter.

On March 24, 1915, the defendant company entered a plea of guilty to the information, and on March 25, 1915, the court imposed a fine of $150.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 8, 1915.*

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S. R. A.—Chem. Suppl. 7. Issued August 5, 1915.

U. S. DEPARTMENT OF AGRICULTURE,

BUREAU OF CHEMISTRY.

C. L. ALSBERG, Chief of Bureau.

SERVICE AND REGULATORY ANNOUNCEMENTS.[1]

SUPPLEMENT.

N. J. 3801–3850.

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

3801. Misbranding of "Weber's Genuine Alpine Herb Tea." U. S. * * * v. 50 Gross * * * of "Weber's Genuine Alpine Herb Tea." Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6172. I. S. No. 456–k. S. No. E–178.)

On December, 11, 1914, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 shipping containers, each containing 730, more or less, retail packages of "Weber's Genuine Alpine Herb Tea," remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the product had been shipped on October 24, 1914, by the Weber's Medical Tea Co., Brooklyn, N. Y., and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended.

Each of the retail packages was branded: "Serial No. 846. Guaranteed by Weber's Medical Tea Co., under the Food and Drugs Act, June 30, 1906. Weber's Genuine Alpine Herb Tea. The best and cheapest remedy for purifying the blood and preserving the health. (Design, house.) None genuine without our trade mark Dr. E. Weber's Portrait. 46 Sumner Ave., Brooklyn.

[1] The Service and Regulatory Announcements of the Bureau of Chemistry are published in conformity with a uniform plan for the issuance of information, instructions, and notices of a regulatory nature by the various branches of the department. During 1915 they will be issued as often as necessary rather than each month, as in 1914, and will be numbered consecutively, beginning with S. R. A., Chem. 13.

Notices of judgment are issued as supplements to the Service and Regulatory Announcements of the Bureau of Chemistry. Beginning with January, 1915, they will be numbered and paged independently of the Service and Regulatory Announcements, the first number being designated as S. R. A., Chem. Suppl. 1.

Free distribution is limited to firms, establishments, journals, and individuals especially concerned. Others desiring copies may buy them from the Superintendent of Documents, Government Printing Office, Washington, D. C.

(Portrait of man.) Reg. U. S. Pat. Off. Weber's Medical Tea Co., 46 and 48 Sumner Ave., Cor. Floyd St., Brooklyn, N. Y. To guard against fraud observe house and portrait of Dr. E. Weber and our address on each package."

It was alleged in the libel that the product was misbranded in that said label on the retail packages contained the following statements regarding the therapeutic effect of said drug product, which were false, fraudulent, and misleading, to wit, "The best * * * remedy for purifying the blood and preserving the health." "Whoever wishes to preserve his health should use this tea often or about one cupful every night, as it purifies the blood, cleanses the system, and keeps the functions of the body in good condition. * * * It also prevents worms and other children's complaints. For women in cases of irregular and imperfect menstruation and for pregnant or confined women it is the best medicine ever discovered. * * * by continued use it is a preventative for all complaints," which said statements were false, fraudulent, and misleading in that said drug product contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed for it therein.

On February 15, 1915, the said Weber's Medical Tea Co., claimant, having admitted the averments of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant company upon payment of all the costs of the proceeding and the execution of a good and sufficient bond in the sum of $800, in conformity with section 10 of the act; and, further, that the relabeling of the property should be done under the supervision of the chief of the Philadelphia laboratory of the Bureau of Chemistry of the Department of Agriculture.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 8, 1915.*

3802. Misbranding of "Montague's Liniment." U. S. * * * v. 6 Cases of * * * "Montague's Liniment" * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6174. I. S. No. 555-k. S. No. E-179.)

On December 12, 1914, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 cases of a product known as "Montague's Liniment," remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the product had been shipped and transported from the State of Virginia into the State of Maryland, and charging misbranding in violation of the Food and Drugs Act, as amended. The product was labeled: "Montague's (Trade mark, design, horse) Liniment for Man and Beast. Contains 7 % Alcohol. Guaranteed by J. Kyle Montague & Sons under the Food and Drugs Act, June 30th, 1906. Serial No. 2526. Manufactured by J. Kyle Montague, Christiansburg, Va., U. S. A. For Horses, Cattle and all Animals. Used for Cuts, Burns, Bruises, Sprains, Old Sores, Poll Evil, Flesh Wounds, Swellings, Foot Evil, Scratches, Galls, Lameness, etc. Also Used for Tetter, Ringworm, Sore Throat, Diphtheria, Stiff Joints, Chilblains, Frost Bites, Mumps, Spinal Affections, Rheumatism, Scalds, and Bites of Poisonous Insects. Shake well before using. For External Use. Apply to the Parts Affected Morning, Noon and Night. Price 25 Cents."

Misbranding of the product was alleged in the libel for the reason that the therapeutic effects claimed as follows, (On bottles) "Used for Poll Evil * * * Foot Evil * * * also used for Diphtheria, Mumps, Spinal Affections" * * * (On cartons) "Used for * * * Poll Evil, * * * Foot Evil * * * for external use. Used for * * * Mumps * * * Spinal Affections. Used as a preventive of Sore Throat and Diphtheria. When used as a Gargle to Prevent the Disease," were false, fraudulent, and misleading, in that said product contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed.

On March 4, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and on March 8, 1915, it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 8, 1915.*

3803. Adulteration of tomato catsup. U. S. v. 4 Barrels of Tomato Catsup. Consent decree of condemnation and forfeiture. Product ordered destroyed. (F. & D. No. 6175. I. S. No. 1385–k. S. No. E–180.)

On December 12, 1914, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 barrels of tomato catsup, remaining unsold in the original unbroken packages at Pittsburgh, Pa., alleging that the product had been shipped by E. C. Flaccus Co., Wheeling, W. Va., on November 17, 1914, and transported from the State of West Virginia into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: (On one end of barrels) "Champion Brand Tomato Catsup Manufactured by E. C. Flaccus Co., Wheeling, W. Va., U. S. A. Food Products;" (On other end) "Preserved with 1/10 of 1% Sodi Benzoate."

Adulteration of the product was alleged in the libel for the reason that it was composed in whole or in part of a filthy, decomposed vegetable product, in that it showed mold filaments present in 46 per cent and 20 per cent, respectively, of all microscopic fields examined; yeasts and spores, 75 and 80 [per cent], respectively, per one-sixtieth cubic millimeter; bacteria, 850,000,000 and 590,000,000, respectively, per cubic centimeter.

On December 30, 1914, the said E. C. Flaccus Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed, and that the costs of the proceedings should be paid by the said claimant.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 8, 1915.*

3804. Adulteration of tomato pulp. U. S. v. 9 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6181. I. S. No. 12744–k. S. No. C–139.)

On December 16, 1914, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 9 cases, each containing 48 cans of tomato pulp, remaining unsold in the original unbroken packages at Kansas City, Mo., alleging that the product had been shipped on or about October 7, 1914, and transported from the State of Indiana into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The cases were labeled: "Scott Co. Brand Tomato Pulp." The cans were labeled: "Scott Co. Brand whole tomato pulp. Packed by Austin Canning Co., Austin, Ind. Contains 10 oz. This tomato pulp is especially made for home use as a condiment with macaroni or tomato soup and as a sauce for roasts and stews."

Adulteration of the product was alleged in the libel for the reason that each of the cans contained and was filled with a vegetable substance which consisted in whole or in part of a filthy, decomposed, [and] putrid vegetable substance; that a microscopical analysis and examination of the contents of the cans resulted as follows, to wit: Mold filaments present in 76 per cent of all microscopical fields examined; yeast and spores, 36 per one-sixtieth cubic millimeter; bacteria, 12,000,000 per cubic centimeter.

On January 25, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 8, 1915.*

3805. Adulteration of tomato pulp. U. S. v. Valentine G. Spindler. Plea of guilty. Fine, $15. (F. & D. No. 6185. I. S. No. 5446-h.)

On March 6, 1915, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Valentine G. Spindler, Halethorpe, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about October 6, 1913, from the State of Maryland into the State of Missouri, of a quantity of tomato pulp which was adulterated. The product was labeled: (On tin can) "Halethorpe Brand Tomato Pulp Made from pieces and trimmings of tomatoes. Contents 10 oz. or over. Insist on Halethorpe Brand and you will always be satisfied. (Monogram VGS) Halethorpe Brand Packed by V. G. Spindler Halethorpe, Md." (Shipping package) (On cases; some not labeled; on others) "Packed in sanitary cans sealed without solder or acid."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results in the four samples examined: Yeasts and spores per one-sixtieth cubic millimeter, (A) 32, (B) 22, (C) 23, (D) 17; bacteria per cubic centimeter, (A) 30,000,000, (B) 32,000,000, (C) 17,000,000, (D) 14,000,000; mold filaments in (A) 68 per cent, (B) 68 per cent, (C) 88 per cent, (D) 50 per cent of the microscopic fields examined; small moldy fragments of tomato can be picked from each of these samples; the product is made from partly decayed tomatoes or parts of tomatoes; a partially decomposed vegetable product.

Adulteration of the product was alleged in the information for the reason that it consisted, in whole or in part, of a filthy and decomposed vegetable substance.

On March 6, 1915, the defendant entered a plea of guilty to the information, and the court imposed a fine of $15.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 8, 1915.*

3806. Adulteration of desiccated egg product. U. S. v. 1 Barrel * * * of Desiccated Egg Product. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6187. I. S. No. 269–k. S. No. E–181.)

On December 17, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 barrel, containing approximately 100 pounds of desiccated egg product, remaining unsold in the original unbroken package at New York, N. Y., alleging that the product had been shipped on or about November 9, 1914, and transported from the State of Texas into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in the libel for the reason that the article of food consisted in part of a filthy, decomposed, and putrid animal substance, to wit, desiccated eggs.

On January 14, 1915, no claimant having appeared for the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 8, 1915.*

3807. Adulteration of desiccated egg product. U. S. v. 1 Barrel of * * * Desiccated Egg Product. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6188. I. S. No. 270-k. S. No. E-182.)

On December 17, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 barrel, containing about 200 pounds of desiccated egg product, remaining unsold in the original unbroken package at New York, N. Y., alleging that the product had been shipped on or about December 1, 1914, and transported from the State of Texas into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in the libel for the reason that the article of food consisted in part of a filthy, decomposed, and putrid animal substance, to wit, desiccated eggs.

On January 14, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 8, 1915.*

3808. Adulteration of tomato pulp. U. S. v. 200 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6192. I. S. No. 12745-k. S. No. C-140.)

On December 18, 1914, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 200 cases, each containing 48 cans of tomato pulp, remaining unsold in the original unbroken packages at Kansas City, Mo., alleging that the product had been shipped on or about November 9, 1914, and transported from the State of Indiana into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The cases were labeled: "No 1 Scott Co. Brand Tomato Pulp." The cans in the cases were labeled: "Scott County Brand. Whole Tomato Pulp. Packed by Austin Canning Company, Austin, Indiana. Contains 10 oz. This Tomato Pulp is especially made for home use as a condiment with macaroni or tomato soup and as a sauce for roasts and stews."

Adulteration of the product was alleged in the libel for the reason that each of the cans contained, and was filled with, a vegetable substance which consisted, in whole or in part, of a filthy, decomposed, putrid vegetable substance; that a microscopical analysis and examination of the contents of the cans resulted as follows, to wit: Mold filaments present in 68 and 76 per cent of all microscopical fields examined; yeast and spores, 47 and 36 per one-sixtieth cubic millimeter; bacteria, 20,000,000 and 30,000,000 per cubic centimeter.

On January 25, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 8, 1915.*

3809. Adulteration of desiccated egg product. U. S. v. 2 Barrels * * * of Desiccated Egg Product. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6193. I. S. Nos. 271–k, 272–k. S. No. E–183.

On December 19, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 barrels, containing, respectively, 200 and 100 pounds of desiccated egg product, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped on or about November 28, 1914, and transported from the State of Texas into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in the libel for the reason that the article of food consisted in part of a filthy, decomposed, and putrid animal substance, to wit, desiccated eggs.

On January 14, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 8, 1915.*

3810. Adulteration of shrimp. U. S. v. 90 Cases and 17 Kegs of Shrimp. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 6196. I. S. Nos. 1225–k, 1226–k. S. No. E–187.)

On December 22, 1914, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 90 cases and 17 kegs containing shrimp, remaining unsold in the original unbroken packages, at Boston, Mass., alleging that the article had been shipped and transported from the State of Mississippi into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libels for the reason that the same contained an added poisonous and deleterious ingredient, to wit, boric acid, which said ingredient might render said food injurious to health.

On January 18, 1915, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 8, 1915.*

3811. Adulteration and misbranding of orange extract, terpeneless. U. S. v. Mauss Extract Works. Plea of guilty. Fine, $50. (F. & D. No. 6198. I. S. No. 6799-h.)

On March 12, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Mauss Extract Works, a corporation, Mount Vernon, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on January 2, 1914, from the State of New York into the State of Pennsylvania, of a quantity of orange extract, terpeneless, which was adulterated and misbranded. The product was labeled: "Mauss Extract Works. Manufacturers of Fine and Distinctive Extracts for the Bottlers' and Confectioners' Trade a Specialty. 357–359 West 12th St. New York. Orange Extract. Turpeneless. Directions: Make the syrup by dissolving 10 pounds of granulated sugar in one gallon of water. Filter through a felt bag. To each gallon of syrup add: Extract 1 oz., Citric Acid Solution 2 oz., Polygalin Foam, 24 drops. Color to suit. Use this syrup in proportion of one ounce to half pint bottle."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Specific gravity	0.940
Polarization at 20° C. (°V.)	+0.15
Citral (Hiltner) (per cent)	0.28
Total aldehydes (Chace) (per cent)	0.31
Alcohol (per cent by volume)	46.48
Methyl alcohol: None.	

Adulteration of the product was alleged in the information for the reason that a substance, to wit, commercial citral, had been mixed and packed with the said article, so as to reduce and lower and injuriously affect its quality and strength; further, in that a substance, to wit, commercial citral, had been substituted in part for terpeneless orange extract, which the said article purported to be. Misbranding was alleged for the reason that the following statement regarding the article and the ingredients and substances contained therein, appearing on the label aforesaid, to wit, "Orange Extract, Turpeneless," was false and misleading, in that it indicated that the said article was a true terpeneless orange extract, whereas, in truth and in fact, said article was not a true terpeneless orange extract, but was a terpeneless orange extract with which a substance, to wit, commercial citral, had been mixed and packed, and for which [a] substance, to wit, commercial citral, had been substituted in part. Misbranding was alleged for the further reason that the article was labeled and branded so as to deceive and mislead the purchaser, being labeled "Orange Extract, Turpeneless," thereby indicating that it was a true terpeneless orange extract, whereas, in truth and in fact, it was not a true terpeneless orange extract, but was a terpeneless orange extract with which a substance, to wit, commercial citral, had been mixed and packed, and for which a substance, to wit, commercial citral, had been substituted in part.

On March 17, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $50.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 8, 1915.*

3812. Adulteration of tomato pulp. U. S. v. 200 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6199. I. S. No. 12746-k. S. No. C-142.)

On December 23, 1914, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 200 cases, each containing 48 cans of tomato pulp, remaining unsold in the original unbroken packages at Kansas City, Mo., alleging that the product had been shipped on or about December 4, 1914, and transported from the State of Indiana into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The cases were labeled: "No. 1 Scott Co. Brand Tomato Pulp." The cans were labeled: "Scott County Brand. Whole Tomato Pulp. Packed by Austin Canning Company, Austin, Indiana. Contains 10 oz. This Tomato Pulp is especially made for home use as condiment with macaroni or tomato soup and as a sauce for roasts and stews."

Adulteration of the product was alleged in the libel for the reason that each of the cans contained and was filled with a vegetable substance which consisted, in whole or in part, of a filthy, decomposed, putrid vegetable substance.

On January 25, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 8, 1915.*

3813. Adulteration of dried egg product. U. S. v. 3 Packages * * * of Dried Egg Product. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6201. I. S. Nos. 273-k, 274-k, 275-k. S. No. E-190.)

On December 24, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 packages containing, respectively, approximately 50, 50, and 160 pounds of dried egg product, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped and transported from the State of Texas into the State of New York, the shipment having been received about December 15, 1914, and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in the libel for the reason that the article of food consisted in part of a filthy, decomposed, and putrid animal substance, to wit, dried eggs.

On January 14, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 11, 1915.*

3814. Adulteration and misbranding of macaroni. U. S. v. 60 Cases of Macaroni. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6208. I. S. No. 1746-k. S. No. E-191.)

On January 7, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 60 cases of macaroni, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped prior to December 19, 1914, and transported from the State of Pennsylvania into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The cases were labeled: "San Martino Brand Macaroni Gragnano Style—Finest Italian Style Macaroni. L. V. Artificial Coloring." The words "artificial coloring" were in very indistinct and minute type in a remote portion of the label and were scarcely discernible. The labels also bore a pictorial representation of an angel or herald, a wheat field and a village; containers bore on one end a blurred stamped legend in practically every case illegible but which was intended to read: "L. Fried & Sons, made in Philadelphia, Pa."

Adulteration of the product was alleged in the libel for the reason that it contained domestic semolina and flour artificially colored to give it the appearance of macaroni prepared from high grade durum semolina, the presence of such artificial coloring being declared in inconspicuous and indistinct fashion. Misbranding was alleged for the reason that the product was labeled "Italian style macaroni" and "gragnano style," and bore a label whose general design was arranged similar to that used in macaroni of foreign origin.

On January 27, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 8, 1915.*

3815. Misbranding of "Coe's Cough Balsam." U. S. v. * * * 3 Gross of * * * "Coe's Cough Balsam." Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6216. I. S. No. 1433-k. S. No. E-193.)

On January 13, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 gross, more or less, of a product known as "Coe's Cough Balsam," remaining unsold in the original unbroken packages at Newburgh, N. Y., alleging that the product had been shipped and transported from the State of Connecticut into the State of New York, the shipment being received on or about April 23, 1914, and charging misbranding in violation of the Food and Drugs Act, as amended.

Misbranding of the product was alleged in the libel for the reason that the retail packages, cartons, and circulars, with which and in which said product was packed, contained the following statements as to the therapeutic effects of the said product, and of the ingredients and substances contained therein, to wit: (On carton and bottle label) "For croup, whooping cough, quinsy, asthma * * * catarrh and consumption." (In circular) "It never fails to cure whooping cough, croup, asthma * * *." "For whooping cough and croup it is the best remedy known." (On retail packages) "Coe's Cough Balsam. Each fluid ounce of Coe's Cough Balsam contains .12 of one grain of opium and 10 per cent of alcohol. For coughs, croup, whooping cough, quinsy, asthma, colds, tickling of the throat, hoarseness, catarrh and consumption. The C. G. Clark Co., Sole Proprietors, New Haven, Conn. (Directions in English and German);" whereas, in truth and in fact, an analysis of the said product showed the following results:

Specific gravity	1.158
Alcohol, by volume (per cent)	8.7
Methyl alcohol absent.	
Solids (per cent)	38.3
Ash (per cent)	0.66
Sucrose (per cent)	31.2
Reducing sugars (invert) per cent	4.6
Opium declared per fl. oz. (grains)	0.12
Opium found per fl. oz. (grains)	0.21
Total salicylic and benzoic acids (per cent)	0.05
Ipecac, alkaloids present; licorice present; ammonium chlorid, a trace; no chloroform, bromids, iodids, or antimony.	

And the product contained no ingredient, or combination of ingredients, capable of producing the therapeutic effects claimed in the statements upon the packages, cartons, bottle labels, and circulars as aforesaid. It was further alleged that the said statements set forth above were false and fraudulent, in that said product and the ingredients and substances contained therein were incapable of producing the therapeutic effects in said statements claimed. Misbranding was alleged for the further reason that the product was found to contain 0.21 grain[s] opium per fluid ounce, while the labels on the retail packages declared the presence of 0.12 grain[s] per fluid ounce.

On March 19, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 8, 1915.*

3816. Adulteration of alleged oats. U. S. * * * v. 17 Cars * * * 4 Cars * * * and 1 Car * * * Alleged Oats. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. Nos. 6220, 6226. I. S. Nos. 11444–k, 11140–k, 11636–k, 11629–k, 11630–k, 11632–k, 11437–k, 11438–k, 11439–k, 11440–k, 11441–k, 11442–k, 11443–k, 11433–k, 11435–k, 11436–k, 11434–k, 11445–k, 11448–k, 11449–k, 11139–k, 11631–k. S. No. E–195.)

On January 15, 18, and 20, 1915, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 17 cars, 4 cars, and 1 car, each filled with alleged oats, remaining unsold and unloaded in the cars, in and near the city of Buffalo, New York, alleging that the product was in process of interstate transportation from the State of Illinois into the State of Maryland, the shipments having been made on or about January 7, 1915, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the product was adulterated in that a substance, to wit, a mixture of feed barley, weed seeds, dust, screenings, and oat hulls, had been mixed and packed with said oats so as to reduce or lower or injuriously affect the quality and strength thereof, and, further, in that a substance, to wit, a mixture of feed barley, weed seeds, dust, screenings, and oat hulls, had been substituted in whole or in part for oats.

On February 8, 1915, an order was filed consolidating the three actions into one court proceeding, and on the same date Blanchard Randall and others, trading as Gill & Fisher, claimants, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of all the costs of the proceedings, and the execution of bond in the sum of $20,000, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 8, 1915.*

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3817. Adulteration of shrimp. U. S. v. 25 Cases of Shrimp and U. S. v. 8 Kegs and 41 Cases of Shrimp. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 6224. I. S. Nos. 966-k, 967-k. S. No. E-196.)

On January 18 and 20, 1915, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 25 cases and 8 kegs and 41 cases of shrimp, remaining unsold in the original packages at Boston, Mass., alleging that the product had been shipped and transported from the State of Mississippi into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libels for the reason that it contained an added poisonous and deleterious ingredient, to wit, boric acid, which said ingredient might render said food injurious to health.

On February 9 and 11, 1915, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 8, 1915.*

3818. Adulteration of tomato pulp. U. S. * * * v. 100 Cases * * * of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6234. I. S. No. 11262–k. S. No. C–151.)

On January 22, 1915, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 cases, each case containing 48 cans of tomato pulp, remaining unsold in the original unbroken packages at Hamilton, Ohio, alleging that the product had been shipped and transported from the State of Indiana into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The cases were labeled: "No. 1 Scott Co. Tomato Pulp." The cans were labeled: "Scott Co. Brand Whole Tomato Pulp Packed by Austin Canning Co., Austin, Ind. Contents 10 oz."

Adulteration of the product was alleged in the libel for the reason that it contained, and in part consisted of, a decomposed vegetable substance.

On February 8, 1915, no claimant having appeared for the property, an order pro confesso was entered, and on March 22, 1915, the final judgment and decree of the court was entered, whereby the goods were condemned and forfeited to the United States, and ordered to be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 8, 1915.*

3819. Adulteration of oats. U. S. v. * * * 1 Car and 1 Car Filled with Oats. Consent decrees of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6236. I. S. Nos. 11466-k, 11467-k. S. No. E-197.)

On February 1 and 5, 1915, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 1 carload and 1 carload of oats, remaining unsold and unloaded in the cars near the city of Buffalo, New York, alleging that the product was in process of interstate transportation from the State of Wisconsin into the State of Pennsylvania, the shipments having been made on or about January 19, 1915, by Fagg & Taylor, Milwaukee, Wis., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that said oats contained in said cars were adulterated in that a substance, to wit, water, had been mixed and packed with said oats so as to reduce and lower or injuriously affect their quality and strength, and, further, in that a substance, to wit, water, had been substituted in whole or in part for oats.

On February 11, 1915, the said Fagg & Taylor, a copartnership, Milwaukee, Wis., claimants, having consented to decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product should be released and delivered to said claimants or their nominee upon the execution of a bond for $1,000, in conformity with section 10 of the act, and the payment of costs, and upon amending the bill of lading and invoice covering said carloads of bulk oats, if necessary, and upon reducing the water content of said bulk oats to 14 per centum or less of the entire bulk thereof, under the supervision of an inspector of the Department of Agriculture.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 8, 1915.*

3820. Adulteration of oats. U. S. * * * v. 2 Carloads of Oats. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6243. I. S. Nos. 11470-k, 13775-k. S. No. E-199.)

On January 25, 1915, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 carloads of oats, remaining unsold and on board the cars at Richford, Vt., alleging that the product had been shipped on January 20, 1915, by Fagg & Taylor, Milwaukee, Wis., and transported from the State of Wisconsin into the State of Vermont en route to the State of Maine, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the oats had been adulterated by the introduction, addition, and substitution in part of water, so as to reduce, lower, and injuriously affect the quality and strength of said oats; that the same had been further adulterated by the introduction, addition, and substitution in part of another grain called barley, so as to reduce, lower, and injuriously affect the quality and strength of said oats; and that there had been so introduced, added, and substituted as above set forth 7.5 per cent of said grain called barley; further, for the reason that said carloads of oats contained a greater amount of water than oats properly so-called contain, and said bulk oats so-called in said two cars also contained 7.5 per cent of barley; that another substance, namely, water, had been substituted in part for oats; and that another substance, namely, a grain called barley, had been substituted in part for oats throughout both of said cars, and said so-called oats were therefore adulterated within the meaning of the Food and Drugs Act.

On February 23, 1915, the said Fagg and Taylor, a copartnership, claimants, Milwaukee, Wis., having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released and delivered to said claimants, or their nominee, upon the execution and filing of a bond in the sum of $1,000, in conformity with section 10 of the act, upon payment of the costs, upon amending the bill of lading and invoice covering said two carloads of oats, if necessary, and upon reducing the water content of said oats to 14 per cent or less of the entire bulk thereof, under the supervision of an inspector of the Department of Agriculture.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 10, 1915.*

3821. Adulteration of oats. U. S. v. 1 Lot of Oats. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6246. I. S. No. 11469-k. S. No. E-200.)

On January 25, 1915, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of a carload of oats, remaining unsold and unloaded from the car at Jersey City, N. J., alleging that the product had been shipped on or about January 20, 1915, by Fagg and Taylor, Milwaukee, Wis., and transported from the State of Wisconsin into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act. The product was waybilled as "Oats not graded."

Adulteration of the product was alleged in the libel for the reason that a substance, to wit, water, had been mixed and packed with said oats so as to reduce and lower and injuriously affect its [their] quality and strength, and for the further reason that a substance, to wit, barley, had been substituted in part for said oats.

On February 4, 1915, Ralph E. Colett, New York, N. Y., agent for said Fagg and Taylor, claimants, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released and delivered to said claimants upon payment of the costs of the proceedings and the execution of bond in the sum of $1,000, in conformity with section 10 of the act, one of the conditions of the bond being that the water that had been added to the grain should be dried out under the supervision of inspectors of the Department of Agriculture.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 10, 1915.*

3822. Adulteration of oats. U. S. * * * v. 1 Carload of Bulk Oats. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6249. I. S. No. 11472–k. S. No. E–204.)

On January 27, 1915, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 carload of bulk oats, remaining unsold and unloaded in the car at Richford, Vt., alleging that the product had been shipped on January 21, 1915, by Fagg and Taylor, Milwaukee, Wis., and transported from the State of Wisconsin into the State of Vermont, en route to the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that said carload of oats contained a greater amount of water than oats properly so-called contain, and said bulk oats so-called in said car also contained 6.1 per cent of barley; that another substance, namely, water, had been substituted in part for said oats, and that another substance, namely, a grain called barley, had been substituted in part for oats throughout the oats in said car, and said so-called oats were therefore adulterated within the meaning of the Food and Drugs Act. It was further alleged that the oats had been adulterated by the introduction, addition, and substitution in part of water, so as to reduce, lower, and injuriously affect the quality and strength of said oats; that the same had been further adulterated by the introduction, addition, and substitution in part of another grain called barley, so as to reduce, lower, and injuriously affect the quality and strength of said oats; and that there had been so introduced, added, and substituted as above stated 6.1 per cent of said grain called barley.

On February 23, 1915, said Fagg and Taylor, a copartnership, claimants, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released and delivered to said claimants or their nominee upon the execution of a bond in the sum of $500, in conformity with section 10 of the act, upon the payment of costs and upon amending the bill of lading and invoice covering said carload of bulk oats if necessary, and upon reducing the water content of said oats to 14 per cent or less of the entire bulk thereof, under the supervision of an inspector of the Department of Agriculture.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 10, 1915.*

3823. Adulteration of oats, so-called. U. S. v. 1 Car and 1 Car of Oats, so-called. Consent decrees of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6250. I. S. Nos. 13780-k, 13784-k. S. No. E-202.)

On January 29, 1915, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district 2 libels for the seizure and condemnation of 2 carloads of oats, remaining unsold on board the cars, one of the cars at Waterbury and the other at Richfield, Conn., alleging that the product had been shipped on or about January 20, 1915, by Fagg & Taylor, Milwaukee, Wis., and transported from the State of Wisconsin into the State of Connecticut, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libels for the reason that the oats had been mixed and packed with water and barley in such a manner as to reduce or lower or injuriously affect the quality and strength of the product.

On February 15, 1915, the said Fagg & Taylor, a copartnership, claimants, having consented to decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product should be released and delivered to said claimant concern upon payment of the costs of the proceedings, the amending of the bill of lading and invoice covering said carloads of oats, if necessary, and upon reducing the water content of said oats to 14 per centum or less of the entire bulk thereof, under the supervision of an inspector of the Department of Agriculture, and upon the execution and filing of a bond for $1,000, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, *D. C., May 10, 1915.*

3824. Adulteration of catsup. U. S. v. 10 Crates * * * of Catsup. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 6258. I. S. No. 1396–k. S. No. E–206.)

On February 1, 1915, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 crates, each containing 6 jugs of catsup, remaining unsold in the original unbroken packages at Pittsburgh, Pa., alleging that the product had been shipped on or about January 13, 1915, and transported from the State of West Virginia into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The crates were labeled: "Ideal Brand Catsup Preserved with 1/10 of 1% Benzoate of Soda. Prepared for Daub Bros., Pittsburgh, Pa." The jugs were labeled: "Preserved with one-tenth of one per cent Benzoate of Soda. Contents One Gal. Avd. Tomato Catsup Pure Wholesome Delicious Prepared from Tomatoes, Sugar, Vinegar, Onions, Salt, Spices and Garlic Packed for Daub Bros., Pittsburgh, Pa."

Adulteration of the product was alleged in the libel for the reason that it was composed, in whole or in part, of a partially decomposed vegetable product in that it showed yeasts and spores, 200 per one-sixtieth cubic millimeter; bacteria, 400,000,000 per cubic centimeter; mold filaments in 86 per cent of the microscopic fields.

On March 1, 1915, Daub Bros., Pittsburgh, Pa., claimants, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 10, 1915.*

98020°—15——4

3825. Adulteration of frozen eggs. U. S. v. 10 Tubs * * * of Frozen, Mixed Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6260. I. S. Nos. 11381–k, 12412–k. S. No. C–162.)

On February 3, 1915, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 wooden tubs, each containing 60 pounds of mixed, frozen eggs, remaining unsold in the original unbroken packages, at St. Paul, Minn., alleging that the product had been shipped on December 30, 1914, and transported from the State of North Dakota into the State of Minnesota, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it consisted, in whole or in part, of a filthy, decomposed, and putrid animal substance, and was unfit for food on account of the condition of said product.

On February 8, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 10, 1915.*

3826. Adulteration of oats. U. S. v. 1 Carload of Oats in Bulk * * *. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6264. I. S. No. 11476-k. S. No. E-207.)

On February 3, 1915, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of a lot of bulk oats contained in a railroad car, remaining unsold and unloaded in the car at Fall River, Mass., alleging that the product had been shipped by Fagg and Taylor, Milwaukee, Wis., and transported from the State of Wisconsin into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it contained substances, to wit, added water and barley, which said substances had been mixed and packed with said food so as to reduce, lower, and injuriously affect its quality and strength; and, further, in that substances, to wit, added water and barley, had been substituted in part for said food.

On February 11, 1915, the said Fagg and Taylor, a copartnership, claimant firm, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released and delivered to said Fagg and Taylor upon payment of the costs of the proceedings, upon amending the bill of lading and invoice covering said carload of bulk oats, if necessary, upon reducing the water content of said bulk oats to 14 per centum or less of the entire bulk thereof under the supervision of an inspector of the Department of Agriculture, and upon the execution and filing of a bond in the sum of $500, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 10, 1915.*

3827. Adulteration of oats. U. S. v. 1 Carload of Oats in Bulk * * *. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6265. I. S. No. 11468-k. S. No. E-208.)

On February 4, 1915, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of a lot of bulk oats contained in a railroad car, remaining unsold and unloaded in the car at Newton, Mass., alleging that the product had been shipped by Fagg and Taylor, Milwaukee, Wis., and transported from the State of Wisconsin into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it contained substances, to wit, added water and barley, which said substances had been mixed and packed with said food so as to reduce, lower, and injuriously affect its quality and strength; and, further, in that substances, to wit, added water and barley, had been substituted in part for said food.

On February 11, 1915, the said Fagg and Taylor, a copartnership, claimant firm, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released and delivered to said Fagg and Taylor upon payment of the costs of the proceedings, upon amending the bill of lading and invoice covering said carload of bulk oats, if necessary, upon reducing the water content of said bulk oats to 14 per centum or less of the entire bulk thereof under the supervision of an inspector of the Department of Agriculture, and upon the execution and filing of a bond in the sum of $500, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 10, 1915.*

3828. Adulteration of frozen eggs. U. S. v. 169 Cans of Frozen Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6267. I. S. No. 289-k. S. No. E-209.)

On February 4, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 169 cans of frozen eggs, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped on or about January 14 and 16, 1915, and transported from the State of Ohio into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the cans contained an article of food, to wit, frozen eggs, which, being an animal substance, was adulterated, contrary to the provisions of the Food and Drugs Act, in that said article of food consisted in particular [part] of a filthy, putrid, and decomposed animal matter, to wit, eggs, contrary to the provisions of section 7, subdivision 6, under "Food," of said Food and Drugs Act.

On February 24, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 10, 1915.*

3829. Adulteration of oats. U. S. v. 1 Carload of Bulk Oats, so-called. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6268. I. S. No. 13783–k. S. No. E–213.)

On February 5, 1915, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 carload of bulk oats, so-called, remaining unsold in the car at Oakville, Conn., alleging that the product had been shipped on or about January 22, 1915, by Fagg & Taylor, Milwaukee, Wis., and transported from the State of Wisconsin into the State of Connecticut, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that water had been added to and mixed with the oats in such a manner as to injuriously affect the quality and strength of said product.

On February 15, 1915, the said Fagg & Taylor, a copartnership, claimants, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released and delivered to said claimant concern upon payment of the costs, upon amending the bill of lading and invoice covering said carload of bulk oats, if necessary, upon reducing the water content of said bulk oats to 14 per centum or less of the entire bulk thereof, under the supervision of an inspector of the Department of Agriculture, and upon the execution and filing of a bond for $500, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 10, 1915.*

3830. Adulteration of bulk oats. U. S. v. 1 Car of Bulk Oats, so-called. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6269. I. S. No. 11478-k. S. No. E-210.)

On February 4, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 carload of bulk oats, remaining unsold and unloaded in the car at New Rochelle, N. Y., alleging that the product had been shipped on or about January 22, 1915, by Fagg & Taylor, Milwaukee, Wis., and transported from the State of Wisconsin into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that substances, to wit, added water and 12.6 per cent barley, had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength.

On February 18, 1915, the said Fagg & Taylor, a copartnership, claimants, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released and delivered to said claimant concern upon the payment of the costs of the proceedings and the execution of bond in the sum of $500, in conformity with section 10 of the act, one of the conditions of the bond being that the product should be dried under the supervision of an inspector of the Department of Agriculture.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 11, 1915.*

3831. Adulteration of bulk oats. U. S. v. 1 Carload of Bulk Oats, so-called. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6270. I. S. No. 11481-k. S. No. E-212.)

On February 4, 1915, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 carload of oats, remaining unsold and unloaded in the car at Winsted, Conn., alleging that the product had been shipped on or about January 23, 1915, by Fagg & Taylor, Milwaukee, Wis., and transported from the State of Wisconsin into the State of Connecticut, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that the oats had been mixed and packed with water and 9.8 per cent barley, in such a manner as to reduce or lower or injuriously affect the quality and strength of the product.

On February 15, 1915, the said Fagg & Taylor, a copartnership, claimants, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released and delivered to said claimants upon payment of all the costs of the proceedings; upon amending the bill of lading and invoice covering the carload of oats, if necessary; upon reducing the water content of said oats to 14 per centum or less of the entire bulk thereof, under the supervision of an inspector of the Department of Agriculture; and upon the execution and filing of a bond for $500, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 11, 1915.*

3832. Adulteration of bulk oats. U. S. v. 1 Carload of Bulk Oats, so-called. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6271. I. S. No. 11480–k. S. No. E–211.)

On February 4, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of a carload of bulk oats, remaining unsold and unloaded in the car at New York, N. Y., alleging that the product had been shipped on or about January 23, 1915, by Fagg & Taylor, Milwaukee, Wis., and transported from the State of Wisconsin into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that [16.97 per cent] added water and 5 per cent barley had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength.

On February 18, 1915, the said Fagg & Taylor, a copartnership, claimants, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released and delivered to said claimants upon payment of the costs of the proceedings and the execution of bond in the sum of $500, in conformity with section 10 of the act, one of the conditions of the bond being that the oats should be dried under the supervision of an inspector of the Department of Agriculture.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 11, 1915.*

3833. Adulteration and misbranding of assorted wines. U. S. * * * v. 50 Cases of Assorted Wines. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6289. I. S. Nos. 971-k, 972-k, 2713-k. S. No. E-217.)

On February 11, 1915, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cases of assorted wines, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been shipped by C. Vazzoler, New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that a substance, to wit, carbonic acid gas, had been substituted in part for said food. Misbranding was alleged for the reason that said food upon the packages and labels thereof bore certain statements, designs, and devices regarding the ingredients and substances contained in said food, that is to say, the following words: "P Rutaillard and Cie" "Grand Mousseux Pierre Rutaillard and Cie Reims" "Champagne Special" "Extra Special" Fragile C. Vazzoler Special Moscato Fragile" "Vini Scelti Moscato Wine Qualita Superiore" "Moscato T B C Spumante" "Extra Special" Fragile S. Vazzoler, Boston, Mass., Sparkling Nebiolo Fragile C. Vazzoler" "Sparkling Nebiolo French Italian Importing Co., New York"; and a representation of a crown of gold and cluster of grapes and leaves prominently printed and displayed thereon, to wit, upon said packages and labels, which said statements, designs, and devices were false and misleading because they would lead the purchaser to believe that said food was a fermented wine, to wit, a true champagne and the product of a foreign country, whereas, in truth and in fact, said food was not a fermented wine, the product of a foreign place, and was not a true champagne.

On March 10, 1915, Giuseppe Arnaboldi, agent for C. Vazzoler, claimant, having filed his claim praying that the product should be delivered to him, and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 11, 1915.*

3834. Adulteration of frozen eggs. U. S. * * * v. 18 Cans of Frozen Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6296. I. S. No. 731-k. S. No. E-220.)

On February 15, 1915, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 18 cans of frozen eggs, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been shipped and transported from the State of Rhode Island into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On March 17, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 11, 1915.*

3835. Adulteration of shell eggs. U. S. * * * v. 7 Cases of Shell Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6299. I. S. No. 1443–k. S. No. E–221.)

On February 20, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7 cases of shell eggs, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped and transported from the State of Nebraska into the State of New York, the shipment arriving on or about February 1, 1915, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the product was liable to condemnation and confiscation, as provided by said act of Congress, in that each of said cases contained an article of food, to wit, shell eggs, which, being an animal substance, was adulterated contrary to the provisions of said Food and Drugs Act, in that such article of food consisted, in whole or in part, of filthy, decomposed or putrid animal substance, to wit, decayed eggs, contrary to the provisions of section 7, subdivision 6 under "Food," of said Food and Drugs Act.

On March 10, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 11, 1915.*

3836. Adulteration and misbranding of vinegar. U. S. * * * v. 16 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6314. I. S. No. 11647-k. S. No. C-170.)

On February 26, 1915, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 16 barrels of vinegar, remaining unsold in the original unbroken packages at Cincinnati, Ohio, alleging that the product had been transported in interstate commerce from the State of Kentucky into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On head of barrel) "Pure Distilled White Vinegar—Newport Vinegar Co. Distributor, Newport, Ky." (On reverse head of barrel) "Star Brand—40 Grain." In addition, there was upon the reverse head of each of the barrels a statement of the contents of such barrels, which statements were respectively as follows, to wit: First barrel, "48 gals."; second barrel, "48 gals."; third barrel, "47 gals."; fourth barrel, "47 gals."; fifth barrel, "48 gals."; sixth barrel, "47 gals."; seventh barrel, "45 gals."; eighth barrel, "44 gals."; ninth barrel, "51 gals."; tenth barrel, "54 gals."; eleventh barrel, "48 gals."; twelfth barrel, "50 gals."; thirteenth barrel, "46 gals."; fourteenth barrel, "46 gals."; fifteenth barrel, "51 gals."; sixteenth barrel, "48 gals."

It was alleged in the libel that the article of food was adulterated in the following particulars, to wit: First, a certain substance, to wit, water, had been mixed and packed with said article of food so as to reduce and lower its quality and strength; second, that a certain substance, to wit, water, had been substituted in part for what said article of food by its label aforesaid purported to be, to wit, pure distilled white vinegar having a strength of 40 grain. It was further alleged that the article was misbranded in that it was labeled and branded as aforesaid so as to deceive and mislead the purchaser thereof, in that the aforesaid labels upon said barrels and packages of said article of food bore statements regarding said article and the ingredients and substances contained therein which were false and misleading in the following particulars: First, the statements "Pure Distilled White Vinegar—40 grain" were false, misleading, and deceptive in that they represented said article of food to be a vinegar of the standard strength of forty grain, whereas, in truth and in fact, said article of food was not of the quality or strength of forty grain but in fact had an average quality or strength of thirty-six and four-tenths grain; second, the statements of the measure of the contents of said barrels, as hereinbefore set forth, were false and misleading in that said barrels, and each of them (with the exception of Number 6), did not contain respectively the quantity of contents so stated upon their labels respectively, but in fact did contain lesser quantities, the quantities actually contained in each of said barrels being as follows, to wit: First barrel, 46 gallons; second barrel, 47 gallons; third barrel, 44 gallons; fourth barrel, 45 gallons; fifth barrel, 47 gallons; sixth barrel, 47 gallons; seventh barrel, 43 gallons; eighth barrel, 43 gallons; ninth barrel, 49.5 gallons; tenth barrel, 46 gallons; eleventh barrel, 45 gallons; twelfth barrel, 47 gallons; thirteenth barrel, 45.5 gallons; fourteenth barrel, 44 gallons; fifteenth barrel, 47.5 gallons; sixteenth barrel, 45.5 gallons.

On March 16, 1915, Robert F. Snow and George Snow, trading as the Newport Vinegar Company, Newport, Ky., filed their answer to the libel, and on March 18, 1915, the cause having come on to be heard on the motion of the United States for final judgment, and it appearing to the court that said claimants by their answer had admitted the facts set forth in the libel and

consented to a decree of condemnation, judgment of condemnation and forfeiture was entered, and, it further appearing to the court that the labels and brands upon the barrels might be altered and that said vinegar might be brought up to the required standard by the addition thereto of acetic acid so that said article might be sold lawfully and without violating any law of any State or of the United States, it was ordered by the court that said barrels should be relabeled and said vinegar standardized under the supervision of a United States food and drug inspector, and that said article should be released and restored to said claimants upon payment of all the costs of the proceedings and the execution of bond in the sum of $100, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 11, 1915.*

3837. Adulteration of evaporated prunes. U. S. * * * v. 11 and 12 Boxes * * * of Evaporated Prunes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6368. I. S. No. 1772–k. S. No. E–230.)

On March 12, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 11 boxes, each containing 50 pounds, and 12 boxes, each containing 25 pounds, of evaporated prunes, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped on or about February 24, 1915, and transported from the State of Pennsylvania into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The containers of the product were labeled: (On end) "Italian Style Prunes 480–40–50". (On one side) "52–57004–64". (On bottom) "Union Packing and Exporting Co., 52 Harrison St., New York, N. Y. Prepaid".

It was alleged in the libel that the product was adulterated in violation of section 7, paragraph 6, under the title "Food" of said act, in that said product consisted in whole or in part of filthy, putrid, and decomposed vegetable substance, particularly in that said product was covered with sugar mites, live and dead, excreta and dead insects, together with their larvæ.

On April 1, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 11, 1915.*

3838. Adulteration of prunes, peaches, and currants. U. S. * * * v. 26 Boxes * * * and 1 Box * * * of Prunes, 213 Boxes * * * and 74 Boxes * * * of Evaporated Peaches and 2 Boxes of Currants * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6369. I. S. Nos. 1770-k, 1771-k. S. No. E-229.)

On March 12, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 26 boxes, each containing 25 pounds, and 1 box, containing 50 pounds, of prunes, 213 boxes, each containing 25 pounds, and 74 boxes, each containing 50 pounds, of evaporated peaches, and 2 boxes, each containing about 50 cartons of currants, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped during February, 1915, and transported from the State of Maryland into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The prunes were labeled: "25 lbs. net Chariot Brand Prunes, Wm. A. Higgins & Co., New York (Picture of chariot, 3 horses and driver)" (Other end) " W A H N. Y. M." The peaches were labeled: (On 25- and 50-pound wood boxes, on part shipment) "Argo Brand California Choice Peaches Prepared with Sulph. dioxide. Packed by the J. K. Armsby Co. California (new guarantee legend No. 6739) 25 lbs. net when packed" (or "50 lbs.," as the case may be) (On sides) "Armsby's From the Land. of Sunshine and Fruits (trade mark) (car number) 516520 2/20" (This label with red background) (On balance of shipment the same label except the change "Argo Brand California Standard Peaches") (These labels of [on] yellow background). The currants were labeled: "Blue Bell Cleaned Currants Packed 11 oz. net" (design) (On ends) "Cleaned Currants" (design) (On sides) "Packed and guaranteed by Wm. A. Higgins & Co., New York" (Then follows statement regarding quality and value of product for food).

It was alleged in the libel that the products were adulterated in violation of section 7, paragraph 6, under the title "Food," of the Food and Drugs Act, in that said products consisted in whole or in part of filthy, decomposed, and putrid vegetable substances, particularly in that said products were covered externally with sugar mites, live and dead, excreta and dead insects, together with their larvæ. The currants in particular to a large extent had been consumed by insects, leaving the boxes filled for the most part with skins, decomposed currants, and excreta.

On April 1, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 11, 1915.*

3839. Adulteration of sausage. U. S. v. Lewis Miller. Tried to the court. Defendant found guilty. Fine, $5. (F. & D. No. 248–c.)

On July 29, 1914, the United States attorney for the District of Columbia, acting upon a report by the health officer of said District, authorized by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against Lewis Miller, Washington, D. C., alleging the sale by said defendant, on June 11, 1914, in violation of the Food and Drugs Act, in the city of Washington, D. C., of a quantity of sausage which was adulterated.

Adulteration of the product was alleged in the information for the reason that it had been mixed and packed with a substance, to wit, starch, which reduced and lowered and injuriously affected its quality and strength.

On July 29, 1914, the case having come on for trial before the court, after the submission of evidence, the court found the defendant guilty, and imposed a fine of $5.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 11, 1915.*

3840. Adulteration of so-called No. 2 yellow corn. U. S. v. 250 Sacks of Corn. Product ordered released on bond. (F. & D. No. 249–c.)

On June 17, 1914, the United States attorney for the Northern District of Alabama, acting at the instance of an officer of the Department of Agriculture and Industries of the State of Alabama, authorized by the Secretary of the United States Department of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 250 sacks purporting and represented to contain No. 2 yellow corn, remaining unsold in the original unbroken packages, and in possession of the Queen City Gin Co., Gadsden, Ala., alleging that the product had been shipped and transported from the State of Tennessee into the State of Alabama, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the product was liable to condemnation and confiscation for the reason that said corn was unsound, damaged, adulterated, and unfit for use as a food for man or animal in violation of said act of Congress. It was also alleged in the libel that the product was partly decomposed.

On September 25, 1914, the said Queen City Gin Co. having filed its bond in the sum of $1,000, in conformity with section 10 of the act, it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings, and that further proceedings in the matter be dismissed.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 11, 1915.*

3841. Adulteration of milk. U. S. v. Benjamin F. Zimmerman. Plea of guilty. Fine, $10. (F. & D. No. 250–c.)

On August 15, 1914, the United States attorney for the District of Columbia, acting upon a report by the health officer of said District, authorized by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against Benjamin F. Zimmerman, Adamstown, Md., alleging the shipment by said defendant, in violation of the Food and Drugs Act, on July 15, 1914, from the State of Maryland into the District of Columbia, of a quantity of milk which was adulterated.

Adulteration of the product was alleged in the information for the reason that a certain substance, to wit, water, had been mixed and packed with said food so as to reduce, and lower, and injuriously affect its quality and strength.

On August 15, 1914, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 11, 1915.*

3842. Adulteration of milk. U. S. v. Henry G. Tharp. Plea of guilty. Fine, $10. (F. & D. No. 251–c.)

On August 1, 1914, the United States attorney for the District of Columbia, acting upon a report by the health officer of said District, authorized by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against Henry G. Tharp, Midland, Va., alleging the shipment by said defendant, in violation of the Food and Drugs Act, on June 10, 1914, from the State of Virginia into the District of Columbia, of a quantity of milk which was adulterated.

Adulteration of the product was alleged in the information for the reason that a certain substance, to wit, water, had been mixed and packed with said food so as to reduce, and lower, and injuriously affect its quality and strength.

On August 1, 1914, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 11, 1915.*

3843. Adulteration of milk. U. S. v. Charles U. Small. Plea of guilty. Fine, $10. (F. & D. No. 252–c.)

On August 1, 1914, the United States attorney for the District of Columbia, acting upon a report by the health officer of said District, authorized by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against Charles U. Small, Germantown, Md., alleging the shipment by said defendant, in violation of the Food and Drugs Act, on June 19, 1914, from the State of Maryland into the District of Columbia, of a quantity of milk which was adulterated.

Adulteration of the product was alleged in the information for the reason that a certain substance, to wit, water, had been mixed and packed with said food so as to reduce, and lower, and injuriously affect its quality and strength.

On August 1, 1914, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 11, 1915.*

3844. Adulteration of cream. U. S. v. Lewis B. Hargett. Plea of guilty. Fine, $5. (F. & D. No. 253–c.)

On August 12, 1914, the United States attorney for the District of Columbia, acting upon a report by the health officer of said District, authorized by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against Lewis B. Hargett, Frederick, Md., alleging the shipment by said defendant, in violation of the Food and Drugs Act, on July 10, 1914, from the State of Maryland into the District of Columbia, of a quantity of cream which was adulterated.

Adulteration of the product was alleged in the information for the reason that a valuable constituent of the article of food, to wit, butter fat, was left out and abstracted in whole and in part.

On August 12, 1914, the defendant entered a plea of guilty to the information, and the court imposed a fine of $5.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 11, 1915.*

3845. Adulteration of cream. U. S. v. Lewis H. Remsburg. Plea of guilty. Fine, $10. (F. & D. No. 256–c.)

On November 3, 1914, the United States attorney for the District of Columbia, acting upon a report by the health officer of said District, authorized by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against Lewis H. Remsburg, Lander, Md., alleging the shipment by said defendant, in violation of the Food and Drugs Act, on August 4 and 24, 1914, from the State of Maryland into the District of Columbia, of quantities of cream which was adulterated.

Adulteration of the product was alleged in the information for the reason that a valuable constituent of the article of food, to wit, butter fat, was left out and abstracted in whole and in part.

On November 10, 1914, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 11, 1915.*

3846. Adulteration of cream. U. S. v. Roger L. Dade. Plea of guilty. Fine, $5. (F. & D. No. 257–c.)

On October 28, 1914, the United States attorney for the District of Columbia, acting upon a report by the health officer of said District, authorized by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against Roger L. Dade, Washington, D. C., alleging the sale by said defendant, on October 1, 1914, at the District aforesaid, and in violation of the Food and Drugs Act, of a quantity of cream which was adulterated.

Adulteration was alleged in the information for the reason that a valuable constituent of the article of food was left out and abstracted in whole and in part.

On October 28, 1914, the defendant entered a plea of guilty to the information, and the court imposed a fine of $5.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 11, 1915.*

3847. Adulteration of milk. U. S. v. David C. Fry. Plea of guilty. Fine, $10. (F. & D. No. 258-c.)

On October 14, 1914, the United States attorney for the District of Columbia, acting upon a report by the health officer of said District, authorized by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against David C. Fry, Lander, Md., alleging the shipment by said defendant, in violation of the Food and Drugs Act, on September 17, 1914, from the State of Maryland into the District of Columbia, of a quantity of milk which was adulterated.

Adulteration of the product was alleged in the information for the reason that water had been mixed with it so as to reduce, or lower, or injuriously affect its quality or strength.

On October 14, 1914, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 11, 1915.*

3848. Adulteration of milk. U. S. v. John Hough. Plea of nolo contendere. Fine, $10. (F. & D. No. 259–c.)

On November 19, 1914, the United States attorney for the District of Columbia, acting upon a report of the health officer of said District, authorized by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against John Hough, Brandy, Va., alleging shipment by said defendant, in violation of the Food and Drugs Act, on September 25, 1914, from the State of Virginia into the District of Columbia, of a quantity of milk which was adulterated.

Adulteration of the product was alleged in the information for the reason that a certain substance, to wit, water, had been mixed and packed with said food so as to reduce and lower and injuriously affect its quality and strength.

On November 19, 1914, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of $10.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 11, 1915.*

3849. Adulteration of milk. U. S. v. William F. Ricketts. Plea of guilty. Fine, $10. (F. & D. No. 260–c.)

On November 14, 1914, the United States attorney for the District of Columbia, acting upon a report of the health officer of said District, authorized by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against William F. Ricketts, Washington, D. C., alleging the sale by said defendant at the District aforesaid, on October 17, 1914, in violation of the Food and Drugs Act, of a quantity of milk which was adulterated.

Adulteration of the product was alleged in the information for the reason that it had been mixed and packed with a substance, to wit, water, which reduced and lowered its quality and strength.

On November 14, 1914, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 11, 1915.*

3850. Misbranding of "Kenealy's Bromalgine." U. S. v. William P. Kenealy. Plea of guilty. Fine, $10. (F. & D. No. 261–c.)

On November 11, 1914, the United States attorney for the District of Columbia, acting upon a report of the health officer of said District, authorized by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against William P. Kenealy, Washington, D. C., alleging the sale by said defendant within the jurisdiction of the court, and in violation of the Food and Drugs Act, of a quantity of a product called "Kenealy's Bromalgine," which was misbranded. The product was labeled: "Kenealy's Bromalgine A Brain Soother. Alcohol 25% Headache, Neuralgia, Nervousness, and Brain Fatigue. Guarantee Positively contains no Opium, Morphine, Cocaine, Chloral. or other injurious drugs."

Misbranding of the product was alleged in the information for the reason that the statement in the label thereon was false and misleading, and the product was labeled so as to deceive and mislead the purchaser; that the false and misleading statement was as follows, to wit, that said drug contained no injurious drug, whereas, in truth and in fact, the said drug did contain an injurious drug, to wit, antipyrine.

On November 11, 1914, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 11, 1915.*

INDEX TO NOTICES OF JUDGMENT 3801 TO 3850.

WASHINGTON: GOVERNMENT PRINTING OFFICE: 1915

S. R. A.—Chem. Suppl. 8. Issued August 13, 1915.

U. S. DEPARTMENT OF AGRICULTURE,

BUREAU OF CHEMISTRY.

C. L. ALSBERG, CHIEF OF BUREAU.

SERVICE AND REGULATORY ANNOUNCEMENTS.[1]

SUPPLEMENT.

N. J. 3851–3900.

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

3851. Adulteration of cream. U. S. v. Simon P. Knill. Plea of guilty. Fine, $10. (F. & D. No. 262-c.)

On December 5, 1914, the United States attorney for the District of Columbia, acting upon a report by the health officer of said District, authorized by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against Simon P. Knill, Frederick Junction, Md., alleging shipments by said defendant, in violation of the Food and Drugs Act, on September 23 and October 20, 1914, from the State of Maryland into the District of Columbia, of quantities of cream which was adulterated.

Adulteration of the product was alleged in the information, for the reason that a valuable constituent of said article of food, to wit, butter fat, had been left out and abstracted, in whole or in part, and for the further reason that a certain substance, to wit, butter fat, had been left out and abstracted, in whole or in part.

On December 5, 1914, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 11, 1915.*

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[1] The Service and Regulatory Announcements of the Bureau of Chemistry are published in conformity with a uniform plan for the issuance of information, instructions, and notices of a regulatory nature by the various branches of the department. During 1915 they will be issued as often as necessary rather than each month, as in 1914, and will be numbered consecutively, beginning with S. R. A. Chem. 13.

Notices of judgment are issued as supplements to the Service and Regulatory Announcements of the Bureau of Chemistry. Beginning with January, 1915, they will be numbered and paged independently of the Service and Regulatory Announcements, the first number being designated as S. R. A. Chem. Suppl. 1.

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3852. Adulteration of milk. U. S. v. McGill Belt. Collateral of $15 forfeited. (F. & D. No. 263-c.)

On November 25, 1914, the United States attorney for the District of Columbia, acting upon a report by the health officer of said District, authorized by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against McGill Belt, Washington, D. C., alleging the sale by said defendant, in violation of the Food and Drugs Act, on September 17 and 25, 1914, within the jurisdiction of the court, of quantities of milk which was adulterated.

Adulteration of the product was alleged in the information for the reason that it had been mixed and packed with a substance, to wit, water, which reduced and lowered and injuriously affected its quality and strength.

On November 25, 1914, the defendant entered a plea of not guilty to the information, and the case was continued until December 5, 1914, when $15 collateral was forfeited by reason of the defendant's failure to appear for trial.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 11, 1915.*

3853. Adulteration of milk. U. S. v. Lewis Gladding. Plea of guilty. Fine, $15. (F. & D. No. 264–c.)

On December 8, 1914, the United States attorney for the District of Columbia, acting upon a report by the health officer of said District, authorized by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against Lewis Gladding, late of the State of Maryland, alleging the sale by said defendant, on December 11, 1913, and on October 26, 1914, at the District aforesaid, in violation of the Food and Drugs Act, of quantities of milk which was adulterated.

Adulteration of the product was alleged in the information for the reason that a certain substance, to wit, water, had been mixed and packed with said food so as to reduce and lower and injuriously affect its quality and strength.

On December 8, 1914, the defendant entered a plea of guilty to the information, and the court imposed a fine of $15.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 11, 1915.*

3854. Adulteration of milk. U. S. v. Peter Snellings. Plea of guilty. Fine, $10. (F. & D. No. 266–c.)

On January 15, 1915, the United States attorney for the District of Columbia, acting upon a report by the health officer of said District, authorized by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against Peter Snellings, Alexandria, Va., alleging the shipment by said defendant, in violation of the Food and Drugs Act, on November 17, 1914, from the State of Virginia into the District of Columbia, of a quantity of milk which was adulterated.

Adulteration of the product was alleged in the information for the reason that a certain substance, to wit, water, had been mixed and packed with said food so as to reduce and lower and injuriously affect its quality and strength.

On January 15, 1915, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 11, 1915.*

3855. Adulteration of cream. U. S. v. Alexander F. Pilcher. Plea of guilty. Fine, $10. (F. & D. No. 267-c.)

At the October, 1914, term of the Supreme Court of the District of Columbia, holding a criminal term, the grand jurors of the United States of America within and for said District, acting upon a report of the health officer of the District aforesaid, upon presentment by the United States attorney for said District, returned an indictment against Alexander F. Pilcher, late of the District aforesaid, charging shipment by said defendant from the State of Virginia into the District of Columbia, and the sale by said defendant at the District aforesaid, on January 29, 1914, of a quantity of cream which was adulterated.

Adulteration was charged in the indictment for the reason that a valuable constituent of said article of food, to wit, butter fat, had been abstracted wholly and in part therefrom.

On December 12, 1914, the defendant entered a plea of guilty to the indictment, and the court imposed a fine of $10.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 11, 1915.*

3856. Adulteration of cream. U. S. v. William W. Culler. Plea of guilty. Fine, $10. (F. & D. No. 268-c.)

On December 15, 1914, the United States attorney for the District of Columbia, acting upon a report by the health officer of said District, authorized by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against William W. Culler, Washingon, D. C., alleging the sale by said defendant, on September 23, 1914, at the District aforesaid, and in violation of the Food and Drugs Act, of a quantity of cream which was adulterated.

Adulteration was alleged in the information for the reason that a valuable constituent of the article of food was left out and abstracted in whole and in part.

On December 15, 1914, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 11, 1915.*

3857. Adulteration of lard. U. S. v. Jacob Varonoff. Plea of guilty. Fine, $10. (F. & D. No. 269-c.)

On November 15, 1914, the United States attorney for the District of Columbia, acting upon a report by the health officer of said District, authorized by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against Jacob Varonoff, Washington, D. C., alleging the sale by said defendant, on September 15 and 17, 1914, at the District aforesaid, and in violation of the Food and Drugs Act, of quantities of lard which was adulterated.

Adulteration of the product was alleged in the information for the reason that [an]other substance[s], to wit, cottonseed oil and beef stearin, had been substituted in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, hog fat, had been left out and abstracted in whole and in part.

On November 15, 1914, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 11, 1915.*

3858. Adulteration of cream. U. S. v. Roy M. Gordon. Plea of guilty. Fine, $15. (F. & D. No. 270–c.)

On February 6, 1915, the United States attorney for the District of Columbia, acting upon a report by the health officer of said District, authorized by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against Roy M. Gordon, Jefferson, Md., alleging shipment by said defendant, on November 2, 25, and 27, 1914, from the State of Maryland into the District of Columbia, of quantities of cream which was adulterated.

Adulteration was alleged in the information for the reason that a valuable constituent of the article of food, to wit, butter fat, had been left out and abstracted in whole or in part.

On February 6, 1915, the defendant entered a plea of guilty to the information, and the court imposed a fine of $15.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 11, 1915.*

3859. Misbranding of spirits of camphor. U. S. v. Lewis A. Singleton. Plea of guilty. Fine, $10. (F. & D. No. 271-c.)

On March 12, 1915, the United States attorney for the District of Columbia, acting upon a report by the health officer of said District, authorized by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against Lewis A. Singleton, Washington, D. C., alleging the sale by said defendant, on October 26, 1914, at the District aforesaid, in violation of the Food and Drugs Act, of a quantity of spirits of camphor which was misbranded.

Misbranding was alleged in the information for the reason that the article was labeled so as to mislead and deceive the purchaser in that said spirits of camphor was composed largely of alcohol, and the label on the bottle thereof failed to state the quantity and proportion of alcohol contained therein.

On March 12, 1915, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 11, 1915.*

3860. Misbranding of spirits of camphor. U. S. v. William Scherer. Plea of guilty. Fine, $10. (F. & D. No. 272–c.)

On March 11, 1915, the United States attorney for the District of Columbia, acting upon a report by the health officer of the said District, authorized by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against William Scherer, Washington, D. C., alleging the sale by said defendant, on October 15, 1914, at the District aforesaid, in violation of the Food and Drugs Act, of a quantity of spirits of camphor which was misbranded.

Misbranding was alleged in the information for the reason that the article was labeled so as to mislead and deceive the purchaser in that said spirits of camphor was composed largely of alcohol, and the label on the bottle thereof failed to state the quantity and proportion of alcohol contained therein.

On March 11, 1915, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 11, 1915.*

3861. Misbranding of spirits of camphor. U. S. v. Edward A. Helmsen. Plea of guilty. Fine, $10. (F. & D. No. 273–c.)

On March 12, 1915, the United States attorney for the District of Columbia, acting upon a report by the health officer of the said District, authorized by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against Edward L. Helmsen, Washington, D. C., alleging the sale by said defendant, on October 22, 1914, at the District aforesaid, in violation of the Food and Drugs Act, of a quantity of spirits of camphor which was misbranded.

Misbranding was alleged in the information for the reason that the article was labeled so as to mislead and deceive the purchaser, in that said spirits of camphor was composed largely of alcohol, and the label on the bottle thereof failed to state the quantity and proportion of alcohol contained therein.

On March 12, 1915, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 11, 1915.*

3862. Misbranding of spirits of camphor. U. S. v. Milton P. Miller. Plea of guilty. Fine, $10. (F. & D. No. 274-c.)

On March 12, 1915, the United States attorney for the District of Columbia, acting upon a report by the health officer of the said District, authorized by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against Milton P. Miller, Washington, D. C., alleging the sale by said defendant, on October 9, 1914, at the District aforesaid, in violation of the Food and Drugs Act, of a quantity of spirits of camphor which was misbranded.

Misbranding was alleged in the information for the reason that the article was labeled so as to mislead and deceive the purchaser in that said spirits of camphor was composed largely of alcohol, and the label on the bottle thereof failed to state the quantity and proportion of alcohol contained therein.

On March 12, 1915, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 11, 1915.*

3863. Misbranding of spirits of camphor. U. S. v. Frank R. Richardson. Plea of guilty. Fine, $10. (F. & D. No. 275–c.)

On March 11, 1915, the United States attorney for the District of Columbia, acting upon a report by the health officer of said District, authorized by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against Frank R. Richardson, Washington, D. C., alleging the sale by said defendant, on October 5, 1914, at the District aforesaid, in violation of the Food and Drugs Act, of a quantity of spirits of camphor which was misbranded.

Misbranding was alleged in the information for the reason that the article was labeled so as to mislead and deceive the purchaser in that said spirits of camphor was composed largely of alcohol, and the label on the bottle thereof failed to state the quantity and proportion of alcohol contained therein.

On March 11, 1915, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 11, 1915.*

3864. Adulteration of milk. U. S. v. Robert E. Miskell. Plea of guilty. Fine, $10. (F. & D. No. 276–c.)

On March 19, 1915, the United States attorney for the District of Columbia, acting upon a report by the health officer of said District, authorized by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against Robert E. Miskell, Ballston, Va., alleging shipment by said defendant, in violation of the Food and Drugs Act, on February 12, 1915, from the State of Virginia into the District of Columbia, of a quantity of milk which was adulterated.

Adulteration of the product was alleged in the information for the reason that a certain substance, to wit, water, had been mixed and packed with said food so as to reduce and lower and injuriously affect its quality and strength.

On March 19, 1915, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 11, 1915.*

3865. Adulteration of cream. U. S. v. William C. Lakin. Plea of guilty. Fine, $5. (F. & D. No. 277–c.)

On March 25, 1915, the United States attorney for the District of Columbia, acting upon a report by the health officer of said District, authorized by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against William C. Lakin, Lander, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, on January 8, 1915, from the State of Maryland into the District of Columbia, of a quantity of cream which was adulterated.

Aldulteration was alleged in the information for the reason that a valuable constituent of said article of food, to wit, butter fat, had been left out and abstracted in whole or in part.

On March 25, 1915, the defendant entered a plea of guilty to the information, and the court imposed a fine of $5.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 11, 1915.*

3866. Adulteration of milk. U. S. v. Harry L. Davis. Plea of guilty. Fine, $10. (F. & D. No. 278–c.)

On March 29, 1915, the United States attorney for the District of Columbia, acting upon a report by the health officer of said District, authorized by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against Harry L. Davis, Monrovia, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, on February 19 and 23, 1915, from the State of Maryland into the District of Columbia, of quantities of milk which was adulterated.

Adulteration of the milk in the first shipment was alleged in the information for the reason that a certain substance, to wit, water, had been mixed and packed with said food so as to reduce and lower and injuriously affect its quality and strength. Adulteration of the milk in the second shipment was alleged for the reason that a valuable constituent of said article of food, to wit, butter fat, had been left out and abstracted in whole or in part.

On March 29, 1915, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 11, 1915.*

3867. Adulteration of oats. U. S. v. Pendleton Grain Co. Plea of guilty to count 6 of information. Fine, $15 and costs. (F. & D. No. 1477. I. S. Nos. 15113-b, 15114-b, 15115-b.)

On August 24, 1910, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information in 6 counts against the Pendleton Grain Co., a corporation, doing business in the State of Illinois, and having its home office in St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on January 22 and 26, and February 4, 1910, from the State of Illinois into the State of Arkansas, of 3 carloads of oats which were adulterated.

Microscopical examination of a sample of the product taken from the shipment of February 4, 1910, by the Bureau of Chemistry of this department showed the following results: Oats, 73 per cent; barley, 10.6 per cent; wheat, 4.8 per cent; débris and miscellaneous seeds, mostly weed seeds, 11.6 per cent.

Adulteration of the product in this shipment was alleged in the fifth count of the information for the reason that there was mixed and packed therewith barley, wheat, weed seeds, dirt, débris, and miscellaneous seeds other than oats, so as injuriously to affect the quality of the said "No. 3 White Oats," the said barley, wheat, weed seeds, dirt, débris, and miscellaneous seeds other than oats constituting and being a large part, to wit, 27 per cent, of said article so shipped as aforesaid. Adulteration of the product in this shipment was alleged in the sixth count of the information for the reason that barley, wheat, weed seeds, dirt, débris, and miscellaneous seeds other than oats were substituted in part for said article sold as "No. 3 White Oats" as aforesaid, the said barley, wheat, weed seeds, dirt, débris, and miscellaneous seeds other than oats constituting and being a large part, to wit, 27 per cent, of said article so sold and shipped as aforesaid.

On November 18, 1914, the defendant company entered a plea of guilty to the sixth count of the information, which contained in part the charge of adulteration of the product in the shipment of February 4, 1910, and the court imposed a fine of $15 and costs. The fifth count of the information covering the other charge of adulteration against this product, and the first, second, third, and fourth counts of the information, charging adulteration of the product in the other two shipments, in like tenor, were dismissed by the United States attorney.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 11, 1915.*

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3868. (Supplement to Notice of Judgment 1056.) Alleged misbranding of antikamnia tablets. United States of America, plaintiff in error and appellant, v. The Antikamnia Chemical Co. Decree of the lower court, sustaining the exceptions to the libel, reversed. (F. & D. No. 1640. S. No. 575.)

On November 21, 1910, the Supreme Court of the District of Columbia sustained the exceptions and objections to the libel that had been filed by the United States attorney on July 7, 1910, in said court for the seizure and condemnation of certain packages of antikamnia tablets, antikamnia and codein tablets, and antikamnia and quinin tablets found in the possession of the Wholesale Drug Exchange, Washington, D. C., and ordered and decreed that said libel be dismissed.

On the same date an appeal from this decree to the Court of Appeals of the District of Columbia was prayed and granted by the court. On May 29, 1911, the Court of Appeals of the District of Columbia affirmed the decision of the lower court, and thereafter a writ of error was brought and an appeal was taken from the decision of the said Court of Appeals on behalf of the United States to the Supreme Court of the United States, and on October 3, 1911, said appeal and writ of error was allowed, and on the same date assignments of error were filed.

On January 6, 1912, the Antikamnia Chemical Co., which, upon its petition filed in the lower court, had been made a party defendant, filed by its counsel in the Supreme Court of the United States motions (1) to dismiss the writ of error and appeal, and (2) to affirm the judgment or decree of the lower court, and on January 29, 1912, the motions to dismiss or affirm were submitted to the court. On February 19, 1912, the case came on for hearing on said motions and on that date the motions were denied by the court, the final disposition of said motions being postponed until the hearing of the case on the merits.

On January 5, 1914, the case having come on for final hearing on the merits, after the submission of briefs and arguments by counsel, the decree of the lower court was reversed and the case was remanded with directions to reverse the decree of the Supreme Court of the District of Columbia and remand the cause with directions to overrule the exceptions to the libel, as will more fully appear from the following opinion by the Supreme Court of the United States (Mr. Justice McKenna):

Libel for the seizure and condemnation of certain drugs under the provisions of the act of Congress of June 30, 1906, commonly known as the Food and Drugs Act (34 Stat., 768).

The libel alleges that the drugs are in the possession and custody of The Wholesale Drug Exchange, a body corporate, at a numbered place in the city of Washington.

The drugs, it is alleged, are intended to be used for the cure and mitigation and prevention of diseases of man. They are described as follows:

"Twenty packages, more or less, of said drug, labelled and branded as follows: 'Antikamnia Tablets, Contain 305 grains of acetphenetidin, U. S. P. per ounce, Guaranteed by the Antikamnia Chemical Company, under the Food and Drugs Act, June 30, 1906, U. S. Serial Number 10. The Antikamnia tablets in this original ounce package contain no acetanilid, antifebrin, antipyrin, morphine, opium, codein, heroin, cocaine, alpha, or beta eucaine, arsenic, strychnine, chloroform, cannabis indica, or chloral hydrate, Antikamnia tablets five grains. One ounce Antikamnia Tablets. Manufactured in the United States of America by the Antikamnia Chemical Co., St. Louis, U. S. A.'

"Also seventy other packages, more or less, of said drug, labelled and branded as follows: 'Antikamnia and Codein Tablets. Contain 296 grains acetphenetidin, U. S. P. per ounce. Contain 18 grains sulph. codein per ounce. Guaranteed by the Antikamnia Chemical Company, under the Food and Drugs Act, June 30, 1906. U. S. Serial Number 10. The Antikamnia and Codein tablets in this original ounce package contain no acetanilid, antifebrin, antipyrin, morphine, opium, heroin, cocaine, alpha, or beta eucaine, arsenic, strychnine, chloroform, cannabis indica, or chloral hydrate. One ounce Antikamnia and Codein Tablets. Manufactured in the United States of America by the Antikamnia Chemical Co., St. Louis, U. S. A.'

"Also ten other packages, more or less, of said drug, labelled and branded as follows: 'Antikamnia and Quinine Tablets. Contain 165 grains acetphenetidin, U. S. P. per ounce. Guaranteed by the Antikamnia Chemical Company under the Food and Drugs

Act, June 30, 1906, U. S. Serial Number 10. The Antikamnia and Quinine Tablets in this original ounce package contain no acetanilid, antifebrin, antipyrin, morphine, opium, codein, heroin, cocaine, alpha, or beta eucaine, arsenic, strychnine, chloroform, cannabis indica, or chloral hydrate. One ounce Antikamnia and Quinine Tablets. Manufactured in the United States of America by the Antikamnia Chemical Co., St. Louis, U. S. A.'"

The ground of confiscation and condemnation alleged is that all of the packages of the drugs contain a large quantity and proportion of acetphenetidin, which, it is alleged, is a derivative of acetanilid, and that under the provisions of the act of Congress and of the regulations lawfully made thereunder it is provided and required that the label on each of the packages shall bear a statement that the acetphenetidin contained therein is a derivative of acetanilid; and yet, it is alleged that each and all of the packages fail to comply with such provisions.

It is also alleged that the packages are further misbranded, in that the labels thereon are false and misleading, for the reason that each and all of them bear the statement that no acetanilid is contained therein, and that the statement imports and signifies that there is no quantity of any derivative of acetanilid contained in the drug.

A warrant of arrest was issued upon which the marshal duly made return that he had arrested 20 packages of antikamnia tablets, 10 packages of antikamnia quinine tablets, and 63 packages labeled "Antikamnia and Codein Tablets," and otherwise duly executed the warrant.

The Antikamnia Chemical Co., appellee and defendant in error, alleging itself to be the owner of the drugs, petitioned to be made a defendant in the libel. The petition was granted, and the company thereupon filed the exceptions to the libel. The exceptions negative in detail the charges of the libel and assert conformity in the labeling of the packages to the act of Congress of June 30, 1906, quoting its eighth section as follows: "* * * or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha, or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilid, or any derivative or preparation of any such substances contained therein." And it is averred that the act does not provide that there should be added to any derivative of any of the substances contained therein the name of the parent substance, and the act can not be added to or enlarged by requiring the company to add to the name of a known article the fact that the article is a derivative of any of the substances mentioned in the act. It is averred, therefore, that the packages are not misbranded and that the statement on the labels that no acetanilid is contained therein is in no way false or misleading because the libel does not allege that there is acetanilid in the packages, and, therefore, the statement instead of being false and misleading is, according to the allegations of the libel, true.

The exceptions were sustained and the libel dismissed.

It was stipulated that Food Inspection Decision No. 112, issued January 27, 1910, by the United States Department of Agriculture was considered by the court upon the hearing of the cause and should be included in and be considered part of the record on appeal.

The decision quotes section 8 of the act, states that the Attorney General, in an opinion rendered January 15, 1909, held that a derivative is a substance so related to one of the specified substances "that it would be rightly regarded by recognized authorities in chemistry as obtained from the latter 'by actual or theoretical substitution,' and it is not indispensable that it should be actually produced therefrom as a matter of fact"; further that the labeling of derivatives, as prescribed by section 8, is a proper subject conferred upon the department by section 3, and that a rule or regulation requiring the name of the specified substance to follow that of the derivative would be in harmony with the general purpose of the act, and an appropriate method by which to give effect to its provisions.

In conformity to this opinion, regulation 28 of the Rules and Regulations for the enforcement of the Food and Drugs Act was amended as follows: " * * * Acetanilid (antifebrine, phenylacetamid) Derivatives—Acetphenetidin. * * * (g) In declaring the quantity or proportion of any of the specified substances the names by which they are designated in the act shall be used, and in declaring the quantity or proportion of the derivatives of any of the specified substances, in addition to the trade names of the derivative, the name of the specified substance shall also be stated, so as to indicate clearly that the product is a derivative of the particular specified substance."

The decree of the Supreme Court of the District dismissing the libel was affirmed by the Court of Appeals.

The case is not in very broad compass, though the arguments of counsel are somewhat elaborate. The libel is prosecuted for the condemnation of 100 packages of Antikamnia tablets as being misbranded in violation of the Food and Drugs Act of

June 30, 1906. (34 Stat., 768.) The tablets contain acetphenetidin and the labels so state, and the proportion of the substance. It is a derivative of acetanilid, but the labels do not so state but do state that the tablets contain no acetanilid. And these omissions, it is contended by the Government, constitute a violation of the statute and of regulation No. 28 as amended. The chemical company contends that the first statement is not required by the law and that the second statement is true, and therefore can not be false or misleading.

Preceding the discussion of these contentions a question of jurisdiction is presented by the chemical company and a motion to dismiss is made on the ground that only the construction of the statute is involved in the decision of the court below. The company also moves for an affirmance of the judgment on the ground that the appeal is frivolous. *Contra* the Government contends that the Court of Appeals held invalid the regulation requiring the name of the primary substance as well as that of the derivative to be stated on the label; and that there is not only drawn in question, but so far denied, an authority exercised under the United States. We concur in this view. The validity of the regulation was and is denied. Its validity may, indeed, rest on the statute, but so did the validity of the rule of the Patent Office passed on in Steinmetz *v.* Allen (192 U. S., 543). We there said of a rule of practice established by the Commissioner of Patents under a section of the Revised Statutes, "It thereby became a rule of procedure and constituted, in part, the powers of the primary examiner and Commissioner. In other words, it became an authority of those officers, and, necessarily, an authority 'under the United States.' Its validity was and is assailed by plaintiff in error. We think, therefore, we have jurisdiction, and the motion to dismiss is denied." United States ex rel. Taylor *v.* Taft, Secretary of War (203 U. S., 461) is not in antagonism to this ruling. In that case the relator was dismissed from the public service by an order of the Secretary of War as representative of the President. She sought restoration by mandamus. It was denied and she brought the case to this court on the ground that the validity of an authority exercised under the United States was drawn in question. Dismissing the case, this court said that as she did not question the authority of the President or his representative to dismiss her but contended only that certain rules and regulations of the civil service had not been observed, the validity of an authority exercised under the United States was not drawn in question but only the construction and application of regulation of the exercise of such authority. Steinmetz *v.* Allen was said not to be contrary, "for there the validity of a rule constituting the authority of certain officers in the Patent Office was drawn in question.

Motion to dismiss is denied.

Joined with the motion to dismiss, we have seen, was a motion to affirm on the ground that the question of the authority of the Secretaries to make the regulation is frivolous in view of the decisions in United States *v.* Grimaud (220 U. S., 506), Williamson *v.* United States (207 U. S., 425), and other cases. How far this contention is tenable will be developed as we proceed with the consideration of the act and the power of the secretaries under it.

The purpose of the act is to secure the purity of food and drugs and to inform purchasers of what they are buying. Its provisions are directed to that purpose and must be construed to effect it.

Section 3 gives the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor power to "make uniform rules and regulations for carrying out the provisions" of the act and the power to collect specimens of foods and drugs offered in interstate and foreign commerce. It adopts the definitions of the United States Pharmacopœia or National Formulary and provides (section 8) that the term "misbranded" as used in the act "shall apply to all drugs * * * the package or label of which shall bear any statement, design or device regarding such article, or the ingredients or substances contained therein, which shall be false or misleading in any particular." And, further, in case of drugs, an article shall be deemed to be misbranded "if the package fail to bear a statement on the label of the quantity or proportion" of certain enumerated substances "or acetanilid, or any derivative or preparation of any such substances contained therein."

These are the applicatory provisions. How are they to be construed?

First, as to the power of the secretaries. It is undoubtedly one of regulation only—an administrative power only—not a power to alter or add to the act. The extent of the power, however, must be determined by the purpose of the act and the difficulties its execution might encounter. The fact that a council of three secretaries of governmental departments was given power to make the rules and regulations for the execution of the law shows how complex the matters dealt with were considered to be, and the care that was necessary to be taken to guard against their defeat or perversion. The composition of drugs is a matter of technical skill, their denomination often by words of scholastic origin, conveying no meaning to the uninformed, their

uses and abuses learned only by experience, beneficial or evil. It was this experience that the law sought to avail itself of and to avail itself against the ever increasing powers of the laboratory or the disguises of a technical nomenclature. Hence the provision of the law that the term "drug" as used in the act shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and hence also the provision that a drug or food product is misbranded in case it fails to bear a statement on the label of the quantity or proportion of certain enumerated substances, including acetanilid, "or any derivative or preparation of any such substance contained therein."[2] Experience had demonstrated the quality of those substances, their effects had become common knowledge; their names, therefore, were all the warning it was necessary for the law to give. But derivatives of them might, probably would, be of their quality, so derivatives of them were to be guarded against, and the law hence further provided that the labels on them should state the "quantity or proportion" of "any derivative or preparation" of them. This much is clear—there is no obscurity in the words and purpose of the law. The query then occurs, such being the words and purpose, if the quantity or proportion of the substances or any derivative or preparation of them must be stated, is it administrative of the law or additive to it to require by regulation that not only the name of the derivative or preparation be stated but from what substance derived or of what it is a preparation? It certainly can not be said that the purpose of the law is not exactly fulfilled by the regulation. If it fulfills the purpose of the law it can not be said to be an addition to the law, unless, indeed, it can be contended that the law provided a means for its defeat by the easy device of mysterious names. There is illustration in the present case. What information does the use of the word "acetphenetidin" convey to anybody of its good or evil origin? If it be said that the like question may be asked of any of the primary substances, we reply that they are the precautions of the law and adopted as such because they had demonstrated themselves, the value of their use, the detriment of their abuse, and it was believed that their names would carry no deception.

But let us turn from the power of the secretaries to the law itself and inquire if it needs the assistance of a regulation. It is the contention of the Government that it does not, that its requirement that the primary substances should be labelled and that their derivatives should be labelled means, necessarily, that it should be stated of what they are the derivatives to make the warning of the labels complete. A great deal of what we have said in discussing the power of the secretaries applies to this contention and supports it. The purpose of the law is the ever insistent consideration in its interpretation. The purpose is to prevent the surreptitious sale of certain noxious drugs or their derivatives, the latter supposedly partaking of the quality of parent article and as effective of evil consequences. This being the purpose, did the law leave it unexecuted? We can not attribute to it such defect, and a serious defect it might be. Nor can we consider as a case of omission that which involves so definitely the mischief which was intended to be redressed and which is fairly within the language of the law. And we say this without regard to the various illustrations contained in the Government's brief of the deceptions which can be practiced by using the name of the derivative alone, for the chemical company insists that we may not, in the absence of allegations and proof, look for knowledge in the encyclopedias, or medical lexicons or to trade practices for trade disguises, actual or possible. It is not necessary to enter upon the challenged ground. The law furnishes its own tests of what the labels should reveal, and we may grant, for the argument's sake, as contended, that it has penal character; but this does not mean that it should not be given its reasonable intendment. There is no hardship in this either to the manufacturer or the seller of drugs. They surely know what they make or vend—know whether it is primary or of what a derivative—and the law requires only that they put their knowledge on the labels for the information of purchasers. No serious burden is thereby imposed on honest business. Indeed, it makes the label on the packages an assurance as well as a warning and benefits all concerned, manufacturer, seller, and purchaser. And this in the interest of the public health.

Decree reversed and cause remanded with direction to reverse the decree of the supreme court and remand the cause with direction to overrule the exceptions to the libel.

On April 8, 1914, in pursuance of the mandate of the Supreme Court of the United States, it was ordered by the Court of Appeals of the District of Columbia that the decree entered in the case on May 29, 1911, be vacated and that the decree of the Supreme Court of the District of Columbia be reversed, and that the case be remanded to said Supreme Court with directions to overrule the exceptions to the libel.

On May 4, 1914, upon presentation of the mandate of the Court of Appeals of the District of Columbia, it was ordered by the Supreme Court of the District of Columbia that the decree entered in the case on November 21, 1910, be vacated and set aside, and that the exceptions and objections to the libel be overruled.

The case is now pending in the Supreme Court of the District of Columbia upon the libel and answer filed by the claimant company on June 4, 1914.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, *D. C., May 11, 1915.*

3869. Misbranding of Buffalo lithia water. U. S. v. 7 Cases, more or less, of Buffalo Lithia Water. Tried to the court. Judgment for the Government. Product ordered released on bond. (F. & D. No. 2178. I. S. Nos. 10252-c, 10253-c, 10257-c. S. No. 795.)

On December 21, 1910, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of said District, holding a District court, a libel for the seizure and condemnation of 7 cases, more or less, each containing 12 one-half gallon bottles of a liquid purporting to be a food and drug, to wit, Buffalo lithia water, remaining unsold in the original unbroken packages at Washington, D. C., alleging that 5 of the cases had been transported from the State of Virginia into the District of Columbia, and that 2 of the cases had been transported from the State of Maryland into the District of Columbia, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Buffalo Lithia Water—Springs No. 2, Buffalo Lithia Springs Water—Nature's Materia Medica, Buffalo Lithia Springs Water Company, Buffalo Lithia Springs, Va."

Misbranding of the product was alleged in the libel for the reason that each and every bottle in the cases purported to contain a food and drug, that is to say, a liquid known as lithia water, the said cases and bottles bearing labels as aforesaid, which said labels bore certain statements regarding said food and drug, which were false and misleading in that said statements imported that the liquid contained in said bottles was a lithia water, whereas, in truth and in fact, it did not contain an appreciable amount of lithium, and would not give the therapeutic effect of lithium when a reasonable quantity of the water was consumed; and, further, the said water was not a lithia water, or entitled by reason of its ingredients to be so called. Misbranding was alleged for the further reason that the product was offered for sale under the distinctive name of another article, to wit, under the name of lithia water, when, in truth and in fact, it was not a lithia water, or entitled to be so called; and, further, in that said bottles were labeled and branded so as to deceive and mislead the purchasers thereof.

On March 6, 1911, Rosa C. Goode et al., claimants and intervenors, filed their demurrer to the libel, and on April 6, 1912, said demurrer was sustained, as will more fully appear from the following decision by the court (Clabaugh, *C. J.*):

This case comes up upon a libel filed by the Government against certain packages containing what is known as "Buffalo Lithia Water," or "Buffalo Lithia Springs Water," there being some doubt as to whether it is "Buffalo Lithia Water" or "Buffalo Lithia Springs Water." It does not impress me that there is much difference in these two positions in the aspect in which it presents itself to me.

Now, the libel that was filed is based upon two different positions, one of which was that the label upon these bottles of lithia water was unfair to the people reading it and using the water under that label, because it resulted in their being deceived as to the character of the water, which was bad. Likewise it was said that the label was wrong and subjected the water to procedure, because it was not true. Now, in the argument of this case the label was inserted in the brief of counsel, but after investigation by the court it was agreed by both counsel that that label was not in there; therefore I have not considered it at all.

The very first question to be considered, it seems to me, is that raised by counsel for the defendants, who have now demurred to the libel, as to whether or not the court has jurisdiction; that is, whether there can be these proceedings for seizure. Now, it was Judge Hollister, I think, who was quoted on behalf of the claimants for the demurrer, as having passed upon that question, and said that inasmuch as the rules in this Food and Drugs Act were to be guided by the rules and according to the procedure in admiralty, the goods were not subject to seizure before the proceedings were brought. That was the foundation of the suit. And Judge Hollister has decided, after a carefully prepared opinion, that that was true, and that the court did not have jurisdiction without the seizure having first taken place. The practice is all against that point of view, and the Circuit Court of Appeals, in passing upon Judge Hollister's opinion, reversed it and held exactly opposite, and of course this court will follow that ruling. And even though it were not for that fact I believe under the reasoning of the case itself—I hesitate very much to say that, because of the very elaborate and learned opinion delivered by Judge Hollister—but having had the advice of the Circuit Court

of Appeals upon that opinion, I think that we are entirely right. At all events, I don't think this court can be in error, nor that the proceedings of this court were without jurisdiction for that reason. And the same is true with the oath that has been attacked. That, likewise, is in the usual form, and I am quite doubtful if any oath is necessary at all; but even if there be one, the oath used in this case is the one which ought to be used in similar cases in standard practice, and I think it is all right in this case.

The real question before the court is whether there has been sufficient in this libel to hold that the branding of this water as "Buffalo Lithia Water," or "Buffalo Lithia Springs Water"—whatever it may be—is sufficient to justify the condemnation of these goods.

Now, I am inclined to say, gentlemen, that this case has been very ably presented to the court by both sides, and I have gone over the briefs with all the care and consideration that I can give it, but I do not believe that this is a case in which the Government is entitled to seize these goods and condemn them, and my reasons are based largely upon this reason. It is admitted by counsel for the Government, not only in oral argument, but in his brief, that there is no standard for lithia water in the Pharmacopœia, and there is no recognized standard for this character of water, whether it be a drug or a food, or both a drug and a food. Now, when it is said that this misleads the public by calling it lithia water, two reasons are assigned. One is that the lithia contained in the water is not in any appreciable quantity, the statement in the libel being: "And the drug contained in said bottles does not contain an appreciable amount of lithium, and will not give the therapeutic effect of lithium when a reasonable quantity of the said water is consumed." Those are the charges, that it does not contain an appreciable amount of lithium, nor does it give the therapeutic effect. Now, what is an appreciable amount? The court, in another case which is almost similar to this in many respects, the case of United States *v.* American Drug Syndicate, in the United States Circuit Court, has said that if it has any amount, if the label on the drug is not false and misleading in any particulars, no offense is committed under the Food and Drugs Act. If an article contains some quantity of a certain ingredient, no matter how small, the statement of it on the label is not a misbranding, as would be involved in the case of remedial effects claimed for a drug. So, practically the same language used in this case is used in the case at bar. Therefore, the Government concedes that there is some lithia or lithium in this water, though not an appreciable amount. Now, there is no averment in the label as to the effect of lithia in a case where there is an appreciable amount, or where there is not an appreciable amount. The court, in other words, is expected to say that though a lithia water may contain lithium, still it is in an inappreciable amount, and does not have the therapeutic effect. Now, we all know, outside of the record, that many of these mineral waters are supposed to have great remedial effects, even though the particular drug is lacking in any appreciable amount, and the mere fact that it has some in it, together with the fact that we drink the water, produces a remedial effect oftentimes. But in this case there is no standard for lithia water—there is no standard by which you can say that it requires a certain amount of lithium in it to give it any effect at all, and therefore the court has nothing before it.

My difficulty in this case was whether or not some of the questions raised were not questions of evidence rather than questions of pleading, but the libel goes on and says that it is not in an appreciable quantity and does not produce the therapeutic effect by the use of an ordinary amount of lithia water. Now, when does it have the therapeutic effect? Who is to judge what that therapeutic effect is? How is the court to say, as a matter of law, from the mere statement—which is a conclusion, not a statement of anything that the court can see upon its face—how much of this character of water will produce a therapeutic effect? It simply says it will not produce a therapeutic effect. Now, to say that, results in a pure conclusion on the part of the libel, because it may be that this therapeutic effect is dependent upon a great many other conditions. Now, if it be dependent upon any other conditions, it is essential to state what that condition is, so that the defendant can find a reply and have knowledge of what is expected to be shown against this character of water. But where you indulge in a pure question of what I say is a conclusion, it does not seem to me to be in a condition for them now to go to trial to disprove anything as to the character of the food that could be brought against them, because there is no standard by which it can be measured.

Now, we all know the different positions that physicians take upon this subject. We know that for any therapeutic effect in almost any drug one school thinks that a greater amount is required, and another school of medicine—certainly by their physicians—believes that the most infinitesimal dose is sufficient. Now, when you use the language in respect to this water and say that it contains some lithium, but

not to an appreciable amount, it would be a difficult matter for these parties to go to trial upon that question, unaware as to really what they have to meet, either from that standard or from the other standard of not producing any therapeutic effect. Now, what is there in this label described in the libel that would indicate that this water is expected to have any therapeutic effect? It seems to me—whilst I have the highest regard for this law and think it is one of the most valuable laws we have ever had—that this would be the most extreme application of it, in the case of a lithia water which has some lithia in it and does not pretend to say anything about any therapeutic effect, or, in fact, anything about it, but simply describes it as being "Buffalo Lithia Water." This would be, it seems to me, going too far, under this act, when the Supreme Court has already decided that it does not matter what it may have been in its curative effects, though, as in that case, it might claim to cure everything. In this case the court is asked to say that it is not a proper water to put upon the market, because the lithia is in such small quantities that it does not produce a therapeutic effect, which, if they had claimed, the Supreme Court of the United States has said would be utterly immaterial, because the law does not provide for it.

So it is pretty difficult to thoroughly express the difficulties about this libel, but I think they are largely from the fact that they have not sufficiently set out any explanation of the language used as to not being an appreciable quantity, and not having this curative effect taken in reasonable doses. Now, then, if they had said that it did produce a curative effect upon every possible disease, the Supreme Court has said that that is not within the act. Now, the Government contends here that because it did not say anything about having any curative effect, therefore it follows that it must have been put upon the market with the intent to have a therapeutic effect. So it rather seems to me that the court would have to argue in a circle to sustain the contention of the Government in this case. It is true that in many of these cases the language of the act is all that is sufficient to recite. In an indictment, for instance, the terms of the act are sufficient, but that is where the terms of the act are sufficiently full in themselves to purport a crime, but in this case the whole thing must be done by inference, because the court must say, as a matter of law under this demurrer, that the labeling of water as lithia water when it only contains lithia in an inappreciable quantity, is false, because it does not produce any therapeutic effect. Now, that would have the same effect as if the court said that the parties selling this water are in the same position as if they had used the most extravagant language, even though they make no claim for it at all. Because of that fact the court has the right to infer that they meant to say they didn't have a thing, which, if they had said, would be a violation of the Supreme Court decision.

As I say, this case was splendidly argued both in the briefs and the oral argument, and counsel have been as helpful to the court as they could possibly be; yet the court has not been able to take the position of the Government. The demurrer will therefore be sustained.

On April 6, 1912, it was ordered by the court that an amendment to the libel might be filed and the charge that the product did not contain an appreciable amount of lithium and would not give the therapeutic effect of lithium when a reasonable quantity of the water was consumed was stricken from the libel, and it was charged in the amendment to the libel that the product was misbranded for the reason that each and every bottle in the cases purported to contain a food and drug, that is to say, a liquid known as lithia water, the said cases and bottles bearing labels as aforesaid, which said bottles bore certain statements regarding said food and drug, which were false and misleading in that said statements imported that the product was a lithia water, whereas, in truth and in fact, it was not a lithia water, or entitled by reason of its ingredients to be so called; further, in that the same was offered for sale under the distinctive name of another article, to wit, under the name of lithia water, when, in truth and in fact, it was not a lithia water, or entitled to be so called; and, further, in that the product was labeled and branded so as to deceive and mislead the purchaser thereof.

On April 30, 1912, said claimants and intervenors filed their demurrer to the libel, as amended, and on May 24, 1912, said demurrer was overruled, as will more fully appear from the following decision by the court (Barnard, *J.*):

In this case a libel was filed in which it is averred that the seven cases, more or less, of Buffalo Lithia Water, and each and every bottle thereof, are misbranded, within

the meaning of the act regarding food and drugs, for the reason that each bottle purports to contain a food and drug known as "lithia water," and said bottles bear labels which contain certain statements regarding said food and drug that are false and misleading in this, that the said statements import that the water contained in said bottles is a lithia water, whereas, in truth and in fact, the food and drug contained in said bottles is not a lithia water, and is not entitled, by reason of its ingredients, to be so called.

To this libel the claimants have filed a demurrer, in which they state that the said libel is bad in substance, because it does not state facts sufficient to constitute a violation of the said act of Congress of June 30, 1906 (34 Stat., 768), and that it does not show that the said goods are misbranded, within the meaning of said act; and that the construction of the label quoted is a question of law for the court; and its plain meaning is, that the contents of said packages and bottles is a natural mineral water from a spring situated at Buffalo Lithia Springs Post Office, Va., containing lithia, and other substances employed in medicine, unchanged by man; and that there is no charge of fact in said libel which shows that the contents of the said bottles is not a mineral water from said spring, containing lithia, and other substances employed in medicine, just as represented by the label quoted.

In the original libel in this case there was a statement that the said bottles did not contain an appreciable amount of lithium, and that it would not give the therapeutic effect of lithium when a reasonable quantity of said water was consumed; and a demurrer was sustained to that libel, and the present or amended libel was filed, and those words undertaking to define what lithia water is were left out, leaving the allegation as above stated.

The label contains the following words and figures:

"Buffalo Lithia Water, Springs No. 2."

"Buffalo Lithia Springs Water, Nature's Materia Medica."

"Buffalo Lithia Springs Water Company, Buffalo Lithia Springs, Virginia."

The label contains directions for properly keeping the water and for using it in various diseases or ailments, and refers to a pamphlet for further directions.

It also contains a picture of a woman with a pitcher, and at the bottom of the picture the words, "Trademark Pat.," the printing on the scroll around the picture containing the other words above quoted, to wit, "Buffalo Lithia Springs Water, Nature's Materia Medica."

It also contains these words:

"Guaranteed under the Food and Drugs Act, June 30, 1906, by Buffalo Lithia Springs Water Co., Serial No. 15,055."

Counsel for the claimants contend that this label shows that it is the registered trade-mark under which the Buffalo Lithia Springs Water Co. sells its water, being the figure of a woman in a sitting posture, holding in her hands a pitcher which is surrounded by the words "Buffalo Lithia Springs Water, Nature's Materia Medica"; and they are in turn surrounded by the words "Buffalo Lithia Water, Springs No. 2," and that the meaning of this label is a question of law for the court, to be determined upon the demurrer without proof.

The counsel for the Government contends that the contents of the bottles seized in this case is not entitled to be called "lithia water," and therefore that the claimants can not use the word "lithia" as an adjective, in describing the contents in the label, without deceiving customers who wish to buy lithia water.

The said act of June 30, 1906, does not define any standard by which it can be certainly ascertained when water is entitled to be called " ithia water."

Section 8 of the act, however, does provide that the term *misbranded* shall apply to all drugs or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding said article, or the ingredients or substance contained therein, which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced.

It is claimed here that the words that are misleading to the public are the words which refer to the contents of these bottles as "lithia water," and which lead the purchaser to believe that they contain lithia water.

The demurrer admits the facts, for the purposes of the argument as to the law, and therefore, the statement in the libel, that the water contained in said bottles is not a lithia water, is admitted; and also the averment that it is not entitled, by reason of its ingredients, to be so called. Whether or not it is a lithia water, is a matter of fact, to be determined from the evidence at the trial. The brand on the bottles calls it a "lithia water," in connection with other descriptions; but if it is not a lithia water in fact, can the claimants so brand it without violating the provisions of said statute?

The court is compelled to ascertain, if possible, what is understood, or what should be understood, from the words "lithia water," and for this purpose must examine the authorities, as in case of any other word that must be defined.

The Standard Dictionary gives the definition of lithia water as follows: "A natural mineral water containing lithium salts, valued for use in certain diseases, as lithemia."

The Century Dictionary says: "Lithia water is mineral water containing a considerable portion of lithia salts, found in natural springs in the United States. The name is also applied to artificial mineral waters of similar constitution."

Counsel for claimants contend that the label, taken as a whole, does not mislead the purchaser, and the court should reach that conclusion by reading it and giving it a proper construction.

I am unable to agree with counsel as to this contention, because it seems to me that the label, taken as a whole, would lead a purchaser to conclude that he was buying a lithia water. It is true the other portions of the label confine the water contained in the bottles to the Buffalo Lithia Springs of Virginia, but it does more than that. It defines the water to be Buffalo *Lithia* Water; and I am unable to put any other construction upon that than to say that it is lithia water taken from the Buffalo Springs. The ordinary purchaser, looking at the label, and having lithia water prescribed by his physician, would not hesitate to purchase this as lithia water.

The question as to whether there is a standard, or not, for lithia water, seems to me can not be properly raised at this time, if it is admitted that there is such a water known in the market as "lithia water;" for the libel expressly charges that the contents of these bottles is not lithia water, when the label necessarily indicates that it is lithia water of a particular brand.

It seems to me, therefore, that the allegation of the libel is one of fact, and the demurrer admitting that fact, counsel can not properly contend that the label is not misleading, and that it does not indicate that the bottles contain lithia water.

The demurrer to the original libel was no doubt properly sustained, because of the indefinite statements made in an attempt to define what lithia water was; but in the present libel there is the bald fact stated, that these packages do not contain lithia water. If that is true, then the label should be amended, so as to drop that adjective, in order that persons desiring to purchase lithia water may not be misled.

As the Century Dictionary says, there is an artificial mineral water, of similar constitution to that found in natural springs in the United States, containing a considerable portion of lithia salts; and the court assumes that the proof will throw further light on this kind of lithia water, as well as the natural lithia water found in our springs. What must be that considerable portion in order to entitle mineral water to be called "lithia water," may depend upon expert testimony; but in the libel as now framed, the statement is made that the contents of these bottles is not lithia water; and there seems to be no way to escape the effect of that fact, unless it can be disproved at the hearing.

I am therefore forced to the conclusion that the demurrer must be overruled, and issue joined on this libel, and the question of fact determined by the proof.

On June 13, 1912, an order was entered accordingly, overruling the demurrer to the libel, as amended, and on December 10, 1912, the answer of the Buffalo Lithia Springs Water Co. was filed. On February 16, 1914, the case having come on for final hearing before the court, after the submission of evidence and argument by counsel, the product was found to be misbranded, as will more fully appear from the following opinion by the court (Gould, *J.*):

The original bill in this case was filed December 21, 1910. It sought to condemn seven cases of bottles containing water labeled as "Buffalo Lithia Water," on the ground that they were misbranded and thereby violated the act of June 30, 1906, the misbranding being alleged to consist of statements that the liquid was a lithia water, whereas it did not contain an appreciable amount of lithium, and would not give the therapeutic effect of lithium when a reasonable quantity was consumed, and, further, that the water was not a lithia water, or entitled by reason of its ingredients to be so called. The libel also alleged, as a further misbranding, that the bottles were offered for sale under the distinctive name of lithia water, when in fact it was not lithia water, and that the bottles were labeled and branded so as to deceive and mislead the purchaser thereof.

A demurrer having been sustained to this libel on April 6, 1912, an amended libel was filed April 6, 1912, omitting the original allegation that the water did "not contain an appreciable amount of lithium, and will not give the therapeutic effect of lithium when a reasonable quantity" is consumed. A demurrer to the amended

libel was overruled June 13, 1912, whereupon the claimants, on December 12, 1912, filed their answer denying that the water was misbranded. Upon the issue thus joined, voluminous testimony has been taken in different parts of the country. The questions of fact involved have, by agreement, been submitted to the court sitting as a jury.

It is somewhat difficult to accurately describe the label as it is voluminous, but the most striking feature of it are the words "Buffalo Lithia Water Springs No. 2," in white letters, relatively large, on a blue field, surrounding the figure of a draped woman, in a sitting posture, holding an urn on her lap, and herself surrounded by the words in much smaller type "Buffalo Lithia Springs Water, Nature's Materia Medica." Beneath the foregoing, in smaller but plain type is the following: "This water is indicated in all affections due to the Uric Acid Diathesis—Gout or Rheumatism in all their forms, Stone in the Bladder, Kidneys or Liver, Bright's Disease and Kidney Diseases of every form, Albuminuria of Pregnancy or Scarlet Fever, Uraemia and its accompanying troubles, Menstrual Irregularities, Acid Dyspepsia, Nervous Disorder in all its forms, Malarial Fevers, and in the preparation of Artificial Food for Infants. Dose. From six to eight glasses of the ordinary size per day is the average dose. Many persons, however, take a larger quantity." At the bottom of the label are the words "Buffalo Lithia Springs Water Co., Buffalo Springs, Virginia." At the top are the words "Guaranteed under the Food and Drugs Act, June 30, 1906."

It is admitted by the Government that the water in controversy is a natural spring water taken from a spring known as "Buffalo Lithia Springs" situated at Buffalo Lithia Springs, in Mecklenburg County, Virginia. It is also admitted that the claimants, or their predecessors, have been continuously shipping and selling this water from this spring since 1878 under the label or brand "Buffalo Lithia Water."

There is little dispute as to the essential facts of the case. Naturally the first question which the controversy suggests, is, what is a "lithia water?" There appears to be no definition given by the Pure Food Act or by the United States Pharmacopœia as to the quantity of lithium which a given amount of water must contain in order to reasonably entitle it to be designated "lithia" water. The Government has offered the testimony of chemists, pharmacologists, physicians and druggists to the effect that the common understanding is that a natural lithia water is one that contains enough lithium so that when a reasonable quantity is consumed a physiological or therapeutic effect would be obtained in consequence of the lithium content. This appears not only to be a fair and reasonably accurate definition, one which appeals to the common sense and understanding of a nonscientific person, but is supported by the overwhelming weight of the testimony in the case. Speaking generally, and as an individual of average intelligence and information, it would seem that if one were offered a water which the vendor told him was a "lithia" water, one would have the right to expect enough lithium in the water to justify its characterization as such, thus differentiating it from ordinary potable water; and this amount would reasonably be expected to have some effect upon the consumer of the water by reason of the presence of the lithium.

This is especially true in view of the fact that lithium has been quite commonly believed to have a therapeutic effect on physical ailments which may be classified generally under the head of the uric acid diathesis.

The second question which also arises quite naturally is as to the actual lithium content in a given quantity of the water in controversy. Several analyses were offered in evidence, made by both the Government and by the claimants. As these differ so slightly in respect to the amount of lithium found in a given quantity of water, those made by the Government will be taken as accurate. In addition, the evidence is uncontradicted that the analyses made by the Government experts were made according to the most improved methods, and no attempt was made to impugn their accuracy or fairness.

Dr. Collins, an expert chemist employed in the Bureau of Chemistry, examined three samples of the water in controversy, two of which were part of the water seized. He gives in great detail every step taken by him in his analyses to determine the quantity of lithium. The result was that in two litres of the water (about two and one-fifth quarts) he found no weighable amount of lithium. That is, a chemical analysis showed absolutely no appreciable amount of lithium in the bottle of water of the size usually sold. By the use of the spectroscope, however, it was found that there was two-thousandths of a milligram in a litre; that is, about one ten-thousandth of a grain per gallon of water, or one grain in ten thousand gallons of water. To further illustrate the infinitesimal quantity of lithium in this water, it was testified that the average dose of lithium as a uric acid solvent was from five to seven and a half grains three times a day. So that, for a person to obtain a therapeutic dose of lithium by drinking Buffalo Lithia Water he would have to drink from one hundred and fifty thousand to two hundred and twenty-five thousand gallons of water per

day. It was further testified, without contradiction, that Potomac River water contains five times as much lithium per gallon as the water in controversy.

It has already been stated that the claimants made no question as to the accuracy of the Government analysis; it might be added that their own latest analysis, by the Lederle Laboratories, in New York City, showed only a spectroscopic trace of lithium in the water.

The Government also produced pharmacologists and physicians, eminent in their professions, who testified that the amount of lithium disclosed in this water, either singly or in combination with the other elements contained in it, could not, by any possibility, have any physiological or therapeutic effect upon the consumer.

It is concluded, therefore, that a person drinking Buffalo Lithia Water for the hoped-for benefit he may derive from the lithium in it, is deceived and misled, because a potable quantity contains no appreciable lithium.

Moreover, this deception is increased and aggravated by the language on the label accompanying its designation as "Buffalo Lithia Water." Lithium is supposed to be a solvent for uric acid, to prevent the formation of calculi, and to remove it from the system in rheumatism and gout. The label, immediately under the large letters "Buffalo Lithia Water," and in the center of the label, contains this language: "This water is indicated in all affections due to the Uric Acid Diathesis—Gout or Rheumatism in all their forms, Stone in the Bladder, Kidneys or Liver, Albuminuria of Pregnancy or Scarlet Fever, Uraemia and its accompanying troubles, Menstrual irregularities, Acid Dyspepsia, Nervous Disorders in all its forms, Malarial Fevers, and in the preparation of Artificial Food for Infants." The word "indicated" as a medical term, as defined by Webster, means "to point as to the proper remedy." The uric acid diathesis means the class of diseases due to the presence of an excess of uric acid. So that the purport and effect of the label to a purchaser is to tell him that this water, by reason of the lithium in it, is the proper remedy for those diseases which are due to uric acid, of which lithia is a solvent.

It becomes pertinent to notice the attitude of the courts towards labels of this character, irrespective of the Pure Food Act.

Where the manufacturer of a liquid laxative medicine to which he gave the name of "Syrup of Figs," and who had spent vast sums in advertising it, sought to enjoin another from using the name, it was held that he was not entitled to the injunction because he falsely represented to the public that the juice of the fig was the important medicinal agent in the composition of the medicine, when in fact only a suspicion of fig juice was put into it and the real laxative was senna. This was so held notwithstanding there was much evidence showing that it was a very useful medicine and prescribed by physicians of high standing. In deciding the case Judge Taft said: "This is a fraud upon the public. It is true it may be a harmless humbug to palm off upon the public as syrup of figs what is syrup of senna, but it is nevertheless of such a character that a court of equity will not encourage it by extending any relief to the person who seeks to protect a business which has grown out of and is dependent upon such deceit." California Fig Syrup Co. *v.* Frederick Stearns & Co., 73 Fed., 812.

This case was subsequently approved and followed by the Supreme Court in Worden *v.* California Fig Syrup Co., 187 U. S., 519.

The same principle was applied in the cases of Memphis Keeley Institute *v.* Leslie E. Keeley Co. (C. C. A. Sixth Circuit), 155 Fed., 964; and Bear Lithia Springs Co. *v.* Great Bear Spring Co., 71 N. J. Eq., 595.

If the courts assume this attitude towards falsely labelled articles under the general rules of law and equity, a fortiori should they assume it in applying a statute, such as the Pure Food Act, which has for its objects "not only to protect the public from unwholesome food and drink, but to require that any article of food, drink, or medicine sold *shall be correctly described by its label.*" U. S. *v.* Morgan et al., 181 Fed., 587.

In the very able oral argument and elaborate brief of claimant's learned counsel, there are two main contentions:

1st. They deny that the label represents that the contents of said bottles is a "lithia water." They insist that the label distinctly states that the contents of the bottles is that "particular natural mineral water known both as Buffalo Lithia Water and Buffalo Lithia Springs Water, and was taken" from the Buffalo Lithia springs No. 2, etc.

In other words, the argument seems to be that if Buffalo Lithia Springs are falsely named, being called "Lithia" Springs, when they do not flow water containing lithium, therefore the proprietors have the right to sell the product as being Buffalo Lithia Springs Water, thus perpetuating upon the public the misnomer connected with the origin of the water. It is not apparent how the deceit practiced upon the public by the label is mitigated by carrying it back to the designation of the spring from which the water comes.

2nd. It is next contended that if the word "lithia," as used on the label, can be construed to represent that the contents of the bottles is "lithia water," such representation would not be false or misleading within the purview of the Food and Drugs Act, because the contents of the bottles is a lithia water as the term is understood in the English language, viz, a natural spring water containing "some lithia" or "a trace of lithium."

Assuming that the term lithia water requires only "some" lithium in the water, it would seem that even that flexible term should not be attenuated to include a water which contained only one ten-thousandth of a grain in a gallon, and in which even a trace in two litres could only be ascertained by the use of the spectroscope. But the evidence in the case is overwhelming that the term lithia water, as ordinarily understood, means a water containing a sufficient amount of lithium to give a therapeutic effect when drank in reasonable quantities. It is true that the Food and Drugs Act does not prescribe the quantity of lithium that a water should contain to entitle it to the name "lithia water." But that this is not a fatal objection to the law has been frequently held. Shawnee Milling Co. *v.* Temple, 179 Fed., 517; United States *v.* Sacks of Flour, 180 Fed., 518.

And, even if a standard were fixed as to the quantity which would entitle a water to such designation, it is reasonable to suppose that it would require at least a weighable or appreciable amount in a potable quantity of water.

It is also argued that no natural water designated as lithia water contains sufficient lithium to give a therapeutic effect by drinking a reasonable quantity. The evidence is not quite clear on this question; but the most it would prove would be the misbranding of other so-called lithia waters.

It is therefore concluded that the statement "Buffalo Lithia Water," on the labels on the bottles seized, is false and misleading within the meaning of the first general paragraph of section 8 of the Food and Drugs Act, and judgment will be accordingly entered for the libellant.

On November 23, 1914, a formal decree of condemnation and forfeiture was entered, in conformity with the foregoing opinion, and it was ordered by the court that the product should be delivered and restored by the United States marshal to the intervenors upon payment of all the costs of the proceedings and execution of a bond in the sum of $100, in conformity with section 10 of the act. On the same date the said intervenors, Rosa C. Goode et al., noted an appeal to the Court of Appeals of the District of Columbia, where the case is now pending.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 11, 1915.*

3870. Adulteration of jam. U. S. v. F. F. Stetson (F. F. Stetson & Co.). Plea of nolo contendere. Fine, $1 and costs. (F. & D. No. 2259. I. S. No. 14046-b.)

On September 5, 1911, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against F. F. Stetson, doing business under the name and style of F. F. Stetson & Co., Los Angeles, Cal., alleging the sale by said defendant, on December 17, 1909, under a written guaranty that the article was not adulterated within the meaning of the Food and Drugs Act, of a quantity of so-called blackberry jam, blended with apple juice, which was an adulterated article within the meaning of said act, and which said article, without having been changed in any particular, was shipped by the purchaser thereof on December 20, 1909, from the State of California into the Territory of Arizona, in violation of said Food and Drugs Act. The product was labeled: "Saratoga Brand, Extra Quality Blackberry Jam, Berry blended with Apple Juice."

Microscopical examination of a sample of the product by the Bureau of Chemistry of this department showed that it was a mixture of old mold-infested material and fresher berries, and was not fit for consumption. The mold and spores were very abundant.

Adulteration of the product was alleged in the information for the reason that it consisted wholly and in part of a filthy, decomposed, and putrid vegetable substance, composed of old mold-infested material mixed with fresher berries, with mold and spores very abundant, the same not being fit for human consumption.

On January 30, 1915, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of $1 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 26, 1915.*

3871. (Supplement to Notice of Judgment 1642.) Adulteration of confectionery. U. S., Plaintiff in Error, v. R. C. Boeckel & Co. et al., Defendants in Error. Decision of the United States Circuit Court of Appeals for the First Circuit, reversing the judgment of the lower court. (F. & D. No. 2506. S. No. 889.)

On August 12, 1914, the bill of exceptions that had been filed by the United States attorney for the District of Massachusetts, in the District Court of the United States, for the said district, in the case of the United States *v.* 131 Boxes of Confectionery, To Wit, Candy Eggs, was allowed, and on the same date a decree was entered ordering that the libel of information be dismissed, in conformity with the verdict of the jury theretofore rendered in said case, and that the goods be returned to the claimant; and from said decree the United States was allowed an appeal to the United States Circuit Court of Appeals for the First Circuit. On the same date a petition for a writ of error and assignment of errors were filed on behalf of the United States and allowed.

On April 6, 1915, the case having theretofore come on for final hearing before the said United States Circuit Court of Appeals for the First Circuit (Putnam, Bingham, and Aldrich, *JJ.*), the judgment of the lower court was reversed and the verdict of the jury set aside and the case remanded to that court for further proceedings, as will more fully appear from the following decision by the court (Bingham, *J.*).

This is an information by the United States against 131 boxes of confectionery, a part of which had been transported into Massachusetts from New York and a part from Pennsylvania. The proceeding is under section 10 of the Food and Drugs Act of June 30, 1906 (34 Stat. L., p. 768, c. 3915), for the purpose of seizing and condemning the confectionery on the ground that it contained talc and was therefore adulterated within the meaning of section 7 of the act. A warrant having issued, the marshal seized 104 boxes of the confectionery, that being all that could be found. R. C. Boeckel & Co. appeared as claimants of 30 boxes and Henry Heide as claimant of 73 boxes of the property seized.

There was a trial by jury and a verdict that the confectionery was not adulterated.

It is conceded by the claimants that the confectionery was shipped in interstate commerce; that it was in the original and unbroken packages when seized; that it was treated with talc during the process of rolling in order to impart a polish and to prevent adhering; that minute quantities of talc may have adhered, but, if so, the quantity was so small as to be almost incapable of measurement. They deny that the talc was used as an adulterant or that the confectionery was adulterated within the meaning of the act. Talc is a mineral compound, not an article of food, and is known as hydrated silicate of magnesia. There was no evidence that it exists naturally in any form of confectionery.

Evidence was introduced which tended to prove that a little less than a pound of the confectionery taken as a sample from the boxes claimed by Heide contained talc to the amount of one-tenth of 1 per cent, or about one-half as much as you could heap on a 10-cent piece; that a like sample of that claimed by Boeckel & Co. contained a little more than one one-hundredth of 1 per cent of talc; and that, if all the mineral matter found in the outer portion of the confectionery tested was talc it would be a mere trace, which would be detected only by chemical examination.

The court refused to charge the jury that, if they found the confectionery contained talc, it was adulterated within the meaning of the statute; and instructed them, in substance, that it would not be adulterated if it contained a mere chemical trace of talc, and only if it contained a quantity of talc large enough to be significant or important for some possible practical purpose; that a mere chemical trace, only to be detected by a skillful chemist, would not be sufficient; that there must be enough to show some purpose of deception on the manufacturer's part; enough to show a want of that extreme care exhibited by the manufacturer in guarding the purity of his product. The errors assigned are to the refusal to give the requested instruction and to the instructions given.

The provisions of the statute material for our consideration in passing upon the questions raised by the assignments of error are as follows:

"An Act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes."

"SEC. 2. That the introduction into any State * * * from any other State * * * of any article of food or drugs which is adulterated or misbranded, within the meaning of this Act, is hereby prohibited; and any person who shall ship or

deliver for shipment from any State * * * to any other State * * * any such article so adulterated or misbranded within the meaning of this Act * * * shall be guilty of a misdemeanor," etc.

"SEC. 6. * * * The term 'food,' as used herein, shall include all articles used for food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compound.

"SEC. 7. That for the purpose of this Act an article shall be deemed to be adulterated * * *.

"In the case of confectionery—

"If it contain terra alba, barytes, talc, chrome yellow, or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt or spirituous liquor or compound or narcotic drug."

"SEC. 10. That any article of food * * * that is adulterated * * * within the meaning of this Act, and is being transported from one State, * * * to another for sale, or, having been transported, remains unloaded, unsold, or in original unbroken packages, * * * shall be liable to be proceeded against in any district court of the United States within the district where the same is found and seized for confiscation by a process of libel for condemnation."

It is apparent from the language of section 7 that confectionery which contains any one of certain things there specified, to wit, terra alba, barytes, talc, chrome yellow, or any vinous, malt or spirituous liquor or narcotic drug, is deemed to be adulterated, and that, under section 2, its transportation in interstate commerce is prohibited. If the language of the statute is ambiguous in regard to what the standard is for determining adulteration on account of the use of the general terms—"or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health"—there is none where the specific terms above mentioned are employed. Congress, knowing that terra alba, barytes, and talc were commonly used as adulterants in confectionery, to increase its weight and cheapen its quality, in its wisdom provided that confectionery containing any of these substances should be deemed adulterated and be excluded from transportation in commerce without regard to whether the quantity contained in a given article of confectionery was such as to increase its weight or cheapen its quality so as to deceive and mislead.

Chrome yellow is a metal which is widely used as a yellow pigment, and is an active poison. The consumption of vinous, malt, and spirituous liquors leads to pauperism and crime. In declaring that confectionery containing this pigment or any of the liquors named should be deemed adulterated, Congress likewise refrained from making the question of adulteration depend upon the quantity which the confectionery contained, and plainly manifested an intention that confectionery containing any of these things should be deemed to be adulterated. The language of the statute being unambiguous, so far as it relates to the particular adulterants mentioned, its words must be given their ordinary meaning. When so construed, confectionery which contains any of the specific substances or liquors named is adulterated, without regard to the question whether in the particular case the amount of added adulterant indicates an intention to deceive, or is liable to injure health or morals.

This construction of the statute is recognized in the case of French Silver Dragee Co. *v.* United States (179 Fed., 824, 823), where the court said: "We think that the history of the act, the object to be accomplished by it, and the language of all its provisions require that it should be so interpreted that in the case of confectionery, as in the case of foods and drugs, the Government should establish, with respect to articles not specifically named, that they either deceive, or are calculated to deceive, the public or are detrimental to health." In that case the confectionery in question was coated with pure silver, which was not one of the substances specifically named in section 7, and in order to render it an adulterant within the meaning of the general provisions—"other mineral substance" or "other ingredient deleterious or detrimental to health"—it was held that it must be shown that the silver coating was either deceptive or injurious to health, and that, as there was no proof of those facts, the confectionery could not be found to be adulterated within the meaning of the statute.

In many of the States laws have been passed prohibiting the sale of adulterated milk, and standards for determining adulteration have been fixed, such as that milk shall be regarded as adulterated "to which water or any foreign substance has been added," or when it is "shown upon analysis to contain more than 87 per cent of watery fluid, or less than 13 per cent of milk solids." And it has been uniformly held that milk to which water has been added, or milk to which water has not been added, but which contains more than 87 per cent of watery fluid or less than 13 per cent of milk solids, is adulterated, without regard to the quantity of water added or the extent to

which an analysis showed the milk contained more of watery fluid or less of milk solids than the standard required; and these laws have been upheld as constitutional. (State *v.* Schlenker, 112 Iowa, 645; Commonwealth *v.* Waites, 11 Allen, 264; Commonwealth *v.* Gordon, 159 Mass., 8; Commonwealth *v.* Schaffner, 146 Mass., 512; Commonwealth *v.* Wetherbee, 153 Mass., 159; State *v.* Campbell, 64 N. H., 402; State *v.* Smythe, 14 R. I., 100; People *v.* West, 106 N. Y., 294. See also State *v.* Griffin, 69 N. H., 1; State *v.* York, 74 N. H., 125; and Reyfelt *v.* State, 73 Miss., 415.)

It is also to be noted that in section 7 the word "contain," taken in connection with the words "terra alba, barytes, talc, chrome yellow," "color," "flavor," "vinous, malt, and spirituous liquors," is used in a general and not in a restricted sense, and that confectionery may be found to contain any of the prohibited substances if they are used as a compound, a filler, a flavor, a pigment to color it internally or externally, a coating, or other similar purpose, and especially if they are purposely used, even in minute quantities, for these or other similar purposes.

As the confectionery here in question was adulterated within the meaning of the act, if it contained any talc, and as there was evidence from which it could have been found that it contained talc, we are of the opinion that the court erred in declining to give the instruction requested, and in those that were given.

The judgment of the district court is reversed, the verdict set aside, and the case is remanded to that court for further proceedings not inconsistent with this opinion.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 26, 1915.*

3872. Adulteration and misbranding of so-called cider vinegar. U. S. v. Spielmann Bros. Co. Plea of guilty. Fine, $75 and costs. (F. & D. No. 2530. I. S. No. 10320-c.)

On April 26, 1913, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information, and on January 10, 1914, an amended information, against Spielmann Bros. Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on November 4, 1910, from the State of Illinois into the State of Indiana, of a quantity of so-called cider vinegar which was adulterated and misbranded. The product was labeled: "Guaranteed Cider Vinegar, 6 per centum, Spielmann Bros. Co. 7264."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results, expressed as grams per 100 cc, unless otherwise stated:

Solids	2.45
Nonsugar solids	1.58
Reducing sugar as invert	0.87
Sugar in solids (per cent)	35.51
Polarization, direct, at 20° C. (°V.)	−1.2
Ash	0.42
Alkalinity of soluble ash (cc N/10 acid per 100 cc)	48.4
Soluble phosphoric acid (mg per 100 cc)	20.4
Insoluble phosphoric acid (mg per 100 cc)	12.4
Acid, as acetic	6.18
Volatile acid, as acetic	6.17
Fixed acid, as malic	0.01
Lead precipitate: Heavy-flocculent.	
Color (degrees, Brewer's scale, 0.5-inch cell)	66.0
Color removed by fuller's earth (per cent)	58
Ratio total to soluble P_2O_5	1:0.62
Ratio ash to nonsugar solids	1:3.8
Alcoholic precipitate	0.25
Pentosans	0.13
Glycerol	0.16

Adulteration of the product was alleged in the information for the reason that a liquid preparation, to wit, a dilute solution of acetic acid, commonly known as distilled vinegar, and a foreign product high in reducing sugars prepared in imitation of genuine cider vinegar, had been mixed and packed with the article of food aforesaid so as to reduce and lower and injuriously affect the quality and strength thereof; further, in that a liquid preparation, to wit, a dilute solution of acetic acid, commonly known as distilled vinegar, a foreign product high in reducing sugars, and added ash material, prepared in imitation of genuine cider vinegar, had been mixed and packed with the article of food aforesaid so as to reduce and injuriously affect the quality and strength thereof; further, for the reason that a liquid preparation, to wit, a dilute solution of acetic acid, commonly known as distilled vinegar, fortified with apple cider and prepared in imitation of genuine cider vinegar, had been mixed and packed with the article of food aforesaid so as to reduce and lower and injuriously affect the quality and strength thereof; further, in that a liquid preparation, to wit, a dilute solution of acetic acid, commonly known as distilled vinegar, and added ash material, prepared in imitation of genuine cider vinegar, had been mixed and packed with the article of food aforesaid so as to reduce and lower and injuriously affect the quality and strength thereof; further, in that a liquid preparation, to wit, a dilute solution of acetic acid, commonly known as distilled vinegar, a foreign product high in reducing sugars, prepared in imitation of genuine cider vinegar, had been substituted wholly

for the article of food aforesaid; and for the further reason that said distilled vinegar, a foreign product high in reducing sugars, had been substituted in part for the article of food aforesaid; further, in that a liquid preparation, to wit, a dilute solution of acetic acid, commonly known as distilled vinegar, a foreign product high in reducing sugars and added ash material, prepared in imitation of genuine cider vinegar, had been substituted wholly for the article of food aforesaid, and for the further reason that said distilled vinegar had been substituted in part for the article of food aforesaid.

Misbranding of the product was alleged for the reason that each of the 75 barrels bore a label in words and figures, as follows, to wit, "Guaranteed Cider Vinegar, 6 per centum, Spielmann Bros. Co. 7264," which said statement was false and misleading in that said statement represented to the purchaser that the article of food was a genuine cider vinegar conforming to the commercial standard for such article, whereas, in truth and in fact, each of the barrels did not contain genuine cider vinegar, but contained a mixture of dilute acetic acid, commonly known as distilled vinegar, a foreign product high in reducing sugars and added ash material, made in imitation of and sold under the distinctive name of another article of food, to wit, genuine cider vinegar. Misbranding was alleged for the further reason that said statement appearing on the labels deceived and misled the purchaser into the belief that the article of food was a genuine cider vinegar conforming to the commercial standard for such article, whereas, in truth and in fact, each of the barrels aforesaid did not contain genuine cider vinegar, but contained a mixture of dilute acetic acid, commonly known as distilled vinegar, and a foreign product high in reducing sugars, made in imitation of genuine cider vinegar.

On August 7, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $100 and costs. On September 15, 1914, the judgment of August 7, 1914, was vacated, and the court imposed a fine of $75 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 26, 1915.*

3873. Adulteration of confectionery. U. S. v. Philip Wunderle. Plea of nolo contendere. Fine, $5. (F. & D. No. 2860. I. S. No. 17510-c.)

On December 1, 1911, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Philip Wunderle, Philadelphia, Pa., alleging shipment by said defendant, in violation of the Food and Drugs Act, on March 10, 1911, from the State of Pennsylvania into the State of Georgia, of a quantity of confectionery which was adulterated. The product was labeled: "Manufactured solely by Ph. Wunderle, Philadelphia, Pa., U. S. A. Transparent Bird Eggs 5 Guaranteed by Philip Wunderle under the Food and Drugs Act June 30, 1906. Serial No. 26450. 'The Best' Trade Mark registered in the U. S. Patent Office."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Ash insoluble in water (per cent)		0.036
Components of ash (per cent):		
SiO_2	59.3	
Fe_2O_3, Al_2O_3	9.0	
CaO	5.5	
MgO	18.8	
		92.6

CO_2 present in ash; substance used as coating is talc containing some clay, iron oxid, and carbonates.

Adulteration of the product was alleged in the information for the reason that it contained talc.

On March 15, 1915, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of $5.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 26, 1915.*

3874. **Misbranding of jelly. U. S. v. Stetson-Barrett Co. Plea of nolo contendere. Fine, $1 and costs.** (F. & D. No. 3060. I. S. Nos. 11420-c, 11421-c.)

On May 28, 1912, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Stetson-Barrett Co., a corporation, Los Angeles, Cal., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 17, 1910, from the State of California into the then Territory, now State, of Arizona, of a quantity of jelly which was misbranded. Part of the shipment was labeled: "Blue Hussar Brand Apple Juice Jelly. Packed for Stetson-Barrett Co., Los Angeles, Cal. Contains 15 per cent Glucose. Slightly Colored with Harmless Color. Standard Quality." Another portion of the shipment was labeled: "Blue Hussar Brand Apple Juice Jelly Artificial Apricot Flavor. Packed for Stetson-Barrett Co., Los Angeles, Cal. Contains 15 per cent Glucose. Slightly colored with Harmless Color. Standard Quality."

Analyses of samples of the products by the Bureau of Chemistry of this department showed the following results:

Sample 1.

Solids by drying (per cent)	50.81
Nonsugar solids (per cent)	12.92
Sucrose, Clerget (per cent)	8.74
Sucrose, by copper (per cent)	8.98
Reducing sugars as invert before inversion (per cent)	29.15
Commercial glucose (factor 163) (per cent)	13.74
Polarization, direct, at 20° C. (°V.)	18.0
Polarization, invert, at 20° C. (°V.)	6.4
Polarization, invert, at 87° C. (°V.)	22.4
Ash (per cent)	0.68
Tartaric acid (per cent)	0.30

Benzoates: Absent.
Color: Ponceau 3 R.
Sample of a sirupy consistency, not a jelly.

Sample 2.

Solids by drying (per cent)	53.92
Nonsugar solids (per cent)	15.83
Sucrose, Clerget (per cent)	6.79
Sucrose, by copper (per cent)	7.08
Reducing sugars as invert before inversion (per cent)	31.30
Commercial glucose (factor 163) (per cent)	20.86
Polarization, direct, at 20° C. (°V.)	29.0
Polarization, invert, at 20° C. (°V.)	20.0
Polarization, invert, at 87° C. (°V.)	34.0
Ash (per cent)	0.84
Phosphoric acid (per cent)	0.039
Tartaric acid (per cent)	0.715

Benzoates: Absent.
Color: Ponceau 3 R.

Misbranding of the product labeled as first set forth above was alleged in the information for the reason that the label thereof would lead the purchaser of any cans so labeled to believe that the contents thereof consisted wholly of apple juice; and it was further alleged that the other label set forth above would lead the purchaser of any can so labeled to believe that the contents thereof was composed wholly of apple-juice jelly with artificial apricot flavor; whereas, in truth and in fact, both of said

products so labeled as aforesaid consisted of mixtures or compounds containing large amounts of a commercial glucose and a quantity of tartaric acid; that both of said products were further misbranded in that the statement "contains 15 per cent of glucose," borne on the labels of said products, as aforesaid, was so inconspicuous as to escape the attention of the average purchaser, and in consequence was false and misleading within the meaning of said act, and particularly of section 7 of said act; that the product labeled as set forth in the second mentioned label was further misbranded in that said label did not contain a statement informing the purchaser thereof that the product so labeled contained tartaric acid, which, in truth and in fact, said product so labeled did contain, said acid not being a normal constituent of apple-juice jelly.

On January 30, 1915, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of $1 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 26, 1915.*

3875. Adulteration of cranberry sauce and blackberry jam. U. S. v. F. F. Stetson (F. F. Stetson & Co.). Plea of nolo contendere. Fine, $1 and costs. (F. & D. No. 3097. I. S. Nos. 11409-c, 11410-c.)

On May 28, 1912, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against F. F. Stetson, doing business under the name and style of F. F. Stetson & Co., Los Angeles, Cal., alleging the sale by said defendant, on or about September 29, 1910, under a general written guarantee that goods manufactured by him were not adulterated or misbranded within the meaning of the Food and Drugs Act of June 30, 1906, of a quantity of cranberry sauce and blackberry jam, which said articles were adulterated in violation of said act, and which said articles, without having been changed in any particular, were on September 29, 1910, shipped by the purchaser thereof, from the State of California into the then Territory, now State, of Arizona. The blackberry jam was labeled: "Elysian Park Brand Blackberry Jam. Put up by F. F. Stetson & Co., Los Angeles, California." The cranberry sauce was labeled: "Elysian Park Brand Cranberry Sauce. Put up by F. F. Stetson & Co., Los Angeles, California."

An examination of a sample of the blackberry jam by the Bureau of Chemistry of this department showed the following results: Practically no yeast cells; some bacteria; mold hyphal fragments, 25,000 per cc; mold spores, 50,000 per cc; all organisms presumably dead; article in bad condition owing to abundance of mold present. Examination of a sample of the cranberry sauce by said bureau showed the following results: Practically no yeast cells or bacteria; fruit tissue permeated with mold; hyphal clusters (large), 10,000 per cc; spores, few; not fit for consumption because of mold.

Adulteration of the products was alleged in the information for the reason that they consisted in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance.

On January 30, 1915, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of $1 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 26, 1915.*

3876. Misbranding of Londonderry lithia water. U. S. v. 4 Cases of Londonderry Lithia Water. Consent decree of condemnation and forfeiture. Product ordered destroyed. Subdivision (b) of count 3 of the libel dismissed. (F. & D. No. 3287. I. S. No. 1975-d. S. No. 1208.)

On December 9, 1911, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a district court, a libel for the seizure and condemnation of 4 cases, each containing 50 bottles of sparkling Londonderry lithia spring water, so-called, remaining unsold in the original unbroken packages at Washington, D. C., alleging that the product had been transported from the State of New Hampshire into the District of Columbia, and charging misbranding in violation of the Food and Drugs Act. The product was labeled in part: "Sparkling Londonderry Lithia Spring Water—Londonderry Lithia Spring Water Co., Nashua, N. H. U. S. A.—Lay on side in cool place—Trade Mark Reg. N. 52334 Londonderry Lithia—See That the Cork is branded 'Londonderry Lithia'.—Guaranteed under the Food and Drugs Act, June 30, 1906, Serial No. 3139.

Misbranding of the product was alleged in subdivision (a) of the third count of the libel for the reason that each and every bottle in the cases purported to contain a food and drug, that is to say, a liquid known as lithia water, the said cases and bottles bearing labels as aforesaid, which said labels bore certain statements regarding said food and drug which were false and misleading in that said statements imported that the product was a lithia water, whereas, in truth and in fact, the food and drug contained in said bottles was not a lithia water, nor entitled by reason of its ingredients to be so called. Misbranding was alleged for the further reason that the product was offered for sale under the distinctive name of another article, to wit, under the name of lithia water, when, in truth and in fact, it was not a lithia water, nor entitled to be so called. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser thereof.

Misbranding was further alleged in subdivision (b) of the third count of the libel for the reason that each of the bottles was labeled and branded so as to deceive and mislead the purchaser thereof, for that the label thereon signified and imported that the product was a sparkling lithia water, whereas, in truth and in fact, it was not a sparkling lithia water, and was not a natural sparkling water, nor entitled to be so called, but was an artificially carbonated water containing added substances and ingredients, that is to say, sodium chlorid, sodium bicarbonate, and carbon dioxid, and that none of these added substances and ingredients was named or set forth upon said labels as being contained in said water, and that said sodium chlorid, sodium bicarbonate, and carbon dioxid were not contained in the water in its natural state.

On November 28, 1914, the following agreement or stipulation between counsel for the Government and the Londonderry Lithia Spring Water Co., Nashua, N. H., claimant, was filed nunc pro tunc as of November 20, 1914:

Whereas, the claimant in the above entitled cause has admitted the allegations of subdivision A of count three in said information, and has agreed not to sell or offer for sale hereafter said water by using on the labels thereof the word "lithia";

And whereas, said claimant has consented to a condemnation of said water now under seizure and has given bond to pay the costs of this proceeding;

And whereas, said claimant has agreed hereafter to use suitable language on its "sparkling" brand of water, to indicate in conformity to law that carbon dioxide gas, salt, and soda have been added thereto in the course of manufacture;

Now, therefore, it is hereby agreed by and between said parties in said cause of action that subdivision B of count three of said information shall be dismissed without further prosecution.

On November 20, 1914, the case having come on for final hearing, judgment of condemnation and forfeiture was entered in conformity with the provisions of the foregoing agreement, and it was ordered by the court that the product should be destroyed, that subdivision (b) of count 3 of the libel be dismissed, and that the said Londonderry Lithia Spring Water Co. pay the costs of the proceedings.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 26, 1915.*

3877. Adulteration and misbranding of so-called pure cider vinegar. U. S. v. Spielmann Bros. Co. Plea of guilty. Fine, $150 and costs. (F. & D. No. 3289. I. S. No. 17182-c.)

On April 26, 1913, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information, and on January 10, 1914, an amended information, against Spielmann Bros. Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on February 11, 1911, from the State of Illinois into the State of Kentucky, of a quantity of so-called pure cider vinegar which was adulterated and misbranded. The product was labeled "Pure Cider Vinegar, 4 per centum."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results, expressed as grams per 100 cc, unless otherwise stated:

Solids	1.57
Reducing sugars, direct	0.55
Reducing sugars, invert	0.57
Polarization, direct, at 20 °C. (°V.)	−0.8
Ash	0.32
Water-insoluble ash	0.02
Alkalinity of water-soluble ash (cc N/10 acid per 100 cc)	35.2
Water-soluble P_2O_5 (mg per 100 cc)	14.2
Water-insoluble P_2O_5 (mg per 100 cc)	6.6
Total acid as acetic	4.06
Fixed acid as malic	0.007
Alcoholic precipitate	0.103
Pentosans	0.077
Glycerol	0.11
Alcohol (per cent by volume)	0.0

Adulteration of the product was alleged in the information for the reason that a liquid preparation, to wit, a dilute solution of acetic acid, commonly known as distilled vinegar, and added ash material, prepared in imitation of genuine cider vinegar, had been mixed and packed with the article of food aforesaid so as to reduce and lower and injuriously affect its quality and strength; further, in that a liquid preparation, to wit, a dilute solution of acetic acid, commonly known as distilled vinegar, and added ash material, prepared in imitation of genuine cider vinegar, had been substituted wholly for the article of food aforesaid; and for the further reason that said dilute solution of acetic acid known as distilled vinegar had been substituted in part for the article of food aforesaid. Misbranding of the product was alleged for the reason that each of the barrels containing the product bore a label in words and figures as follows, to wit, "Pure Cider Vinegar, 4 per centum," which said statement in the label appearing on each of the barrels was false and misleading in that said statement represented to the purchaser that the article of food aforesaid was a genuine cider vinegar conforming to the commercial standard for such article of food, whereas, in truth and in fact, each of the barrels did not contain genuine cider vinegar, but contained a mixture of dilute acetic acid, commonly known as distilled vinegar, and added ash material, made in imitation of and sold under the distinctive name of another article of food, to wit, genuine cider vinegar; further, for the reason that said statement in the label appearing on each of the barrels misled and deceived the purchaser in that said statement represented to the purchaser that the article of food aforesaid was a genuine cider vinegar conforming to the commercial standard for such article of food, whereas, in truth and in fact, each of the barrels did not contain genuine cider vinegar, but contained a mixture of dilute acetic acid, commonly known as distilled vinegar, and added ash material made in imitation of genuine cider vinegar.

On August 7, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $200 and costs. On September 15, 1914, the judgment of August 7 was vacated, and the court imposed a fine of $150 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 26, 1915.*

3878. Adulteration and misbranding of vinegar. U. S. v. Spielmann Bros. Co. Plea of guilty. Fine, $75 and costs. (F. & D. No. 3341. I. S. No. 19130-c.)

On April 26, 1914, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Spielmann Bros. Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on March 2, 1911, from the State of Illinois into the State of Alabama, of a quantity of so-called pure cider vinegar which was adulterated and misbranded. The product was labeled: "Pure Cider Vinegar, 4 per centum."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results, expressed as grams per 100 cc, unless otherwise stated:

Alcohol (per cent by volume)	0.10
Glycerol	0.13
Solids	1.72
Nonsugars	1.04
Sugars, after evaporation	0.62
Sugars, direct, as invert	0.68
Sugar in solids (per cent)	39.5
Polarization, direct, at 20° C. (°V.)	—1.0
Ash	0.33
Alkalinity of soluble ash (cc N/10 acid per 100 cc)	36.0
Total acids, as acetic	4.39
Fixed acids, as malic	0.01
Total color (degrees, Brewer's scale, 0.5-inch cell)	
Pentosans	0.10
Alcohol precipitate	0.11
Lead precipitate: Medium.	
Total phosphates (mg per 100 cc)	23.0
Ash in nonsugars (per cent)	31.7

Adulteration of the product was alleged in the information for the reason that a liquid preparation, to wit, a dilute solution of acetic acid, commonly known as distilled vinegar, and added ash material, prepared in imitation of genuine cider vinegar, had been mixed and packed with the article of food aforesaid so as to reduce and lower and injuriously affect the quality and strength thereof; and for the further reason that a liquid preparation, to wit, a dilute solution of acetic acid, commonly known as distilled vinegar, and added ash material, prepared in imitation of genuine cider vinegar, had been substituted wholly for the article of food aforesaid; and for the further reason that a liquid preparation, to wit, a dilute solution of acetic acid, commonly known as distilled vinegar, and added ash material, prepared in imitation of genuine cider vinegar, had been substituted in part for the article of food aforesaid. Misbranding was alleged for the reason that each of the barrels containing the vinegar bore a label in the words and figures as follows, to wit, "Pure Cider Vinegar, 4 per centum," which said statement in the label was false and misleading in that said statement represented to the purchaser that the article of food aforesaid was a genuine cider vinegar conforming to the commercial standard for such article of food, whereas, in truth and in fact, each of the barrels aforesaid did not contain genuine cider vinegar, but contained a mixture of dilute acetic acid, commonly known as distilled vinegar and added ash material, made in imitation of and sold under the distinctive name of another article of food, to wit, genuine cider vinegar. Misbranding was alleged for the further reason that said statement in the label, appearing on each of the barrels, misled and deceived the purchaser in that said statement represented to the purchaser that the article of food was a genuine cider vinegar conforming to the commercial standard for such article of food, whereas, in

truth and in fact, each of the barrels did not contain genuine cider vinegar but contained a mixture of dilute acetic acid, commonly known as distilled vinegar, and added ash material, made in imitation of genuine cider vinegar.

On August 7, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $100 and costs. On September 15, 1914, the judgment of August 7, 1914, was vacated, and the court imposed a fine of $75 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 26, 1915.*

3879. Misbranding of macaroni. U. S. v. 90 Boxes of Macaroni. Tried to the court and jury. Verdict for libelant. Decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 3390. I. S. No. 15366-h. S. No. 1258.)

On February 6, 1912, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 90 boxes of macaroni, remaining unsold in the original unbroken packages at Waterbury, Conn., alleging that the product had been shipped on or about December 15, 1911, January 6, 1912, and January 30, 1912, by the Savarese Macaroni Co., Brooklyn, N. Y., and transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the Food and Drugs Act. The product was labeled, in part, "Macaroni, Gragnano Style, Savoy Brand."

Misbranding of the product was alleged in the libel for the reason that the labels upon the boxes at the time of shipment bore certain statements, designs, and devices regarding said macaroni, which were false and misleading, that is to say, said labels bore the words "Macaroni, Gragnano Style, Savoy Brand" "Guaranteed by the manufacturer under the Food and Drugs Act, June 30, 1906, Serial No. 35286," the word "Gragnano" being printed in flaring type, the words "Savoy Brand" being printed in large type, the word "Style" after the word "Gragnano" being printed in much less noticeable type than the word "Gragnano," and the words "Guaranteed by the manufacturer under the Food and Drugs Act, June 30, 1906, Serial No. 35286," being printed in much smaller type than the type used for printing the other words on the label; and said label also bore pictorial representation of a wheat field and three women reaping therein, with a bay and mountain in the distance, said pictorial representation being intended to be a representation of a foreign and Italian scene, and said label being in the general style and appearance of labels customarily used on boxes containing macaroni produced in the district of Gragnano in Italy, said Gragnano being famous for the production of the best macaroni; and said label being so printed as to deceive and mislead the purchaser into the belief that said macaroni was a foreign product, when, as a matter of fact, it was an American product produced at Brooklyn, N. Y.; said macaroni was further misbranded in that the containers were branded "artificially colored" by means of a rubber stamp in so indistinct a manner as to be almost imperceptible although said macaroni was in fact so artificially colored as to resemble in color macaroni produced in Italy in said Gragnano district.

On May 27, 1912, the said Savarese Macaroni Co., claimant, filed its answer, denying the material allegations relative to misbranding, and praying that the libel be dismissed.

On January 31, 1914, the case having come on for trial before the court and a jury, after the submission of evidence and argument by counsel, the following charge was delivered to the jury by the court (Thomas, *J.*):

GENTLEMEN OF THE JURY: On June 30, 1906, Congress passed a law familiarly known as the Pure Food Law, the operation of which has resulted in much good to the consuming public. Under this law among other things, provision is made for condemnation proceedings against any food product which the Government thinks is manufactured in violation of this law, and in this particular case the Government seeks to condemn 90 boxes of macaroni which are the subject of an interstate shipment, having been shipped from the claimant's factory in Brooklyn to one Frank Pepe in Waterbury, Conn. This action is in the nature of a civil process as distinguished from a criminal prosecution.

At the beginning of every judicial inquiry the law says that he who asserts the affirmative of any proposition of fact assumes the burden of proof; that is, he must prove what he says. Where claims are made upon the one side and denied upon the other, as here, the parties are at issue upon the truth of those claims and the law places the burden of proving those claims upon the party who makes them. That burden is discharged by a fair preponderance of the evidence in favor of the party who bears it. If, on all the evidence presented to you on such disputed matters, there is a fair preponderance in favor of the party bearing the burden of proof, then you must find the facts as claimed by him to be true. If the evidence does not so preponderate

then he has failed to satisfy you of the truth of his claims within the requirements of the law and your finding must so indicate. A fair preponderance of evidence is in civil cases, the standard measure of persuasion. Whether or not the proof has reached that measure you determine by weighing all the evidence in the case presented to you. The application of this rule, which I have just stated in this case, is this: from the material allegations set up in the libel filed by the Government which are denied in the answer filed by the claimant, the Government bears the burden of proof, i. e., it must prove such allegations by a fair preponderance of evidence and as to those material allegations set out by the claimant and alleged affirmatively in his answer and denied by the Government, the claimant, The Savarese Macaroni Co, bears the burden of proof, i. e., it must prove those allegations by a fair preponderance of evidence. In civil cases it is not necessary that the jury should be free from all reasonable doubt as to the proper conclusion to be drawn from the evidence. Every lawsuit seeks to accomplish a double purpose—first, to end a controversy; second, to end it justly; and in the administration of human action the first is almost as important as the last. It is enough, therefore, if your judgment rests not indeed on mere conjecture, but on a probability strong enough to induce a reasonable belief in an impartial mind.

It is true that the jury is a tribunal which is regarded by the law as one especially fitted to decide controverted questions of fact upon the evidence. The jury decides how much credibility is to be given to each witness, what weight justly belongs to the evidence, and between the statements of hostile and contradictory witnesses, where the truth lies.

A juror must use all his experience, his knowledge of human nature, his knowledge of human events, past and present, his knowledge of the motives which influence and control human action, and test the evidence in the case according to such knowledge and render his verdict accordingly; the juror who does not do this is remiss in his duty. It is properly within your province in listening to the testimony of witnesses to observe their demeanor on the witness stand, their manner and bearing, their intelligence, character, and means of knowledge, and to take into consideration any interest or bias any witness may have or entertain, and reconcile so far as possible any conflicting evidence. As that rule is important in this case I may state it another way. In weighing the evidence and determining the credibility of the witnesses and each of them, I think you should look to the manner and demeanor of each witness in testifying, to the readiness and willingness or tardiness or unwillingness, if any, in answering on the one side or the other; to the interest or want of interest, if any, upon the one side or the other; as to whether the witnesses or any of them have any bias or interest, or not.

Second. The witnesses' means of knowledge and opportunity for knowing the facts he testified to and professes to know and understand. To the reasonableness or unreasonableness, the probability or improbability of the circumstances related by the witnesses when considered in connection with all the facts and circumstances in evidence before you and having thus carefully considered all of these matters, the jury must fix the weight and the value of the testimony of each and every witness and the evidence as a whole, and are not compelled to accept as true any statement made by any witness unless you find such statement to be true after considering the same in connection with all of the facts and circumstances in evidence before you, reconciling, as far as possible, any conflicting evidence.

Now, before we come to the questions particularly involved in this case I ought to and do remind and charge you that you and you alone are the sole judges of all questions of fact which arise here, and you are to determine those questions upon a careful consideration of all the evidence before you without direction or suggestion from the court as to what weight or value you should give to all or any part of the testimony, nor are you in any way to be governed in your conclusions by any opinion the court may seem to give you. The jury's first concern, where the parties are in flat conflict as to the essential facts and where the evidence is contradictory, is naturally to determine what the real facts are. You are to be guided in the performance of that duty by the court, only in following the law which the court gives you, so that while you are in every essential sense the sole judges of the facts, you are answerable to the court for the application of the law to the facts as you find them; and you must receive from the court and apply to the case such instructions upon the law applicable to the qestions arising here as shall guide your deliberations toward a verdict in harmony with the law's requirements.

In considering this case and in drawing your conclusions you will necessarily be guided to some extent by the testimony of expert witnesses. I therefore deem it necessary to instruct you with reference to the evidence of such witnesses. An expert witness is one who is skilled in any particular art, trade, or profession, being possessed of peculiar knowledge concerning the same, acquired by study, observation, and

practice. The jury is not bound by expert testimony, but such testimony should be considered by you in connection with the other evidence in the case. Their evidence is subject to your consideration and to your supervision and to your judgment. Such testimony is to be taken and treated by you like the evidence of other witnesses and their testimony, their opinions are subject to the same rules of credit or discredit as the testimony of other witnesses and are not necessarily conclusive with the jury. Whether the matters testified to by them are facts, whether they are true or false, is to be determined by you and you alone, and you will carefully consider and examine their testimony in connection with all the other testimony in this case, as I say, subject to the same rules of credit and disbelief as the testimony of other witnesses.

Before taking up the issues in the case I want to call your attention to the stipulation entered into between counsel for the Government and the claimants and to its legal effect. The stipulation becomes undisputed evidence and establishes the facts stated in the stipulation, and you are entitled to draw such reasonable and logical inferences and conclusions from it as you deem proper either for or against either party for the purpose of aiding you in determining the issues in this case. It is not within the province of the court to draw any for you. As I said when the stipulation was read to you yesterday, you were to consider that stipulation as containing proven facts about which there is no controversy. You have heard counsel for the Government and the claimant make their respective claims with reference to the deductions and conclusions to be drawn from the facts stated in the stipulation, and here I say to you that you are the sole judges as to the proper inference to be drawn from those facts.

I will now direct your attention to the Pure Food Act and the provisions contained in it that have particular bearing upon this case. Among other things the act provides "that it shall be unlawful for any person to manufacture within any territory of the United States any article of food or drug which is adulterated or misbranded within the meaning of this act," and right at this point I charge you that there is no claim made by the Government that there was any adulteration or that there was any poisonous or deleterious ingredient in the macaroni which might make it injurious or detrimental to the health of the consumers, so that upon this feature of the case before you, your consideration will be confined entirely to the subject of misbranding. In section 8 the law provides that the term "misbranded" shall apply to all articles of food or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular, and it further provides that for the purpose of this act an article of food shall be deemed to be misbranded "if it be labeled or branded so as to deceive or mislead the purchaser or purport to be a foreign product when not so"; and further, "that it shall be deemed to be misbranded if the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular." From the pleadings in the case we find that certain facts are admitted, hence it becomes unnecessary to offer evidence in support of the allegations so admitted. The Government alleges and the claimant admits that the macaroni in question was in the possession of Frank Pepe, of Waterbury; that said macaroni was, on various dates, shipped from Brooklyn, N. Y., to Frank Pepe, in Waterbury, Conn.; that the said boxes of macaroni were labeled "Macaroni, Gragnano Style—Savoy Brand," and further labeled—"Guaranteed by the Manufacturer under the Food and Drugs Act of June 30, 1906, Serial No. 35286." That the word "Gragnano" was printed in flaring type and that the words "Savoy Brand" were printed in large type, and that the words "Guaranteed by the Manufacturer under the Food and Drugs Act of June 30, 1906, Serial No. 35286," were printed in much smaller type than the type used for printing the other words on said label; and said label also had printed on it a pictorial representation of a wheat field and three women reaping therein with a bay and mountain in the distance; said pictorial representation being, and being intended to be a representation of a foreign and Italian scene.

These allegations are admitted. The claimant denies in its pleadings that said 90 boxes of macaroni were misbranded within the meaning of this act which I have quoted, and further denies that the labels upon said 90 boxes of macaroni bear and at the time of said shipment and delivery bore certain statements, designs, and devices regarding said macaroni which were and are false and misleading, or intended to deceive and mislead the purchaser. Claimant denies all of that. The Government alleges and the claimant denies that said macaroni was further misbranded in that the boxes were stamped "artificially colored" by means of a rubber stamp in so

indistinct a manner as to be almost imperceptible, although said macaroni was and is so artificially colored as to resemble in color macaroni produced in Italy and in the said Gragnano District. And in the amendment to the libel the Government alleges and the claimant denies that said macaroni was in fact artificially colored in a manner intended to conceal its inferiority and in a manner whereby its inferiority was in fact concealed, and that said 90 boxes of macaroni were and are further misbranded within the meaning of the act in that the boxes containing said macaroni and each of them, were and are so designed and devised by reason of their dimensions and by reason of colored paper strips pasted along the edges thereof as to be misleading in that they were in imitation of the boxes used for the packing and shipping of macaroni in the District of Gragnano in Italy. The claimant admits that the boxes containing said macaroni are of similar dimensions and have pasted along the edges thereof certain strips of paper similar to the boxes used for the packing and shipping of macaroni made in the District of Gragnano, but denies that this is done for the purpose of misleading the purchaser and denies that the style and dress of the box is misleading. Such then are the issues before you as raised by the pleadings. Briefly, then, it may be stated that the questions for you to determine are—

First. Whether the macaroni was artificially colored with intent to conceal its inferiority. This allegation presupposes the existence of certain facts—first, whether the macaroni was artificially colored or not; second, if artificially colored, whether it was so colored with the specific intent to conceal its inferiority; and third, that it was an inferior macaroni. In order therefore to sustain the Government upon this aspect of the case you must find from all the evidence that the macaroni was inferior, that it was artificially colored, and that it was artificially colored for the specific purpose and intent of concealing its inferiority. If, from all the evidence you find all these three elements proven upon this aspect of the case, your verdict will be for the Government, and if, on the other hand, you should find that any one of these three elements is lacking—that is to say, either that it was not artificially colored, or, if so, that it was not done so with the specific intent of concealing its inferiority and that it was not an inferior product—then, of course, your verdict upon this aspect of the case would be for the Government [claimant?].

Now, you are bound to be guided, gentlemen of the jury, by the testimony of the experts for the purpose of coming to a conclusion with reference to this artificial color subject, and the fact that it is artificially colored for the specific intent of concealing its inferiority and that its inferiority was in fact concealed, and as I have given you the rules about expert witnesses and their testimony, you must analyze it, weigh it carefully, and decide upon this aspect of the case, as I say, largely from their testimony. It is not necessary to rehearse their evidence. You have seen all of them, you have heard their testimony, you have observed all of them upon the witness stand; you have heard their qualifications to testify; those are all matters proper for you to take into consideration in determining this particular issue between the Government and the claimant. The witness French says that this was not an inferior macaroni, and you will recall that it was, upon the analysis made by him, found to contain Durum semolina and was a first-class article. On the other hand, you heard the expert, Mr. Jacobs, on behalf of the Government, who says that the percentage of water soluble extract showed that it was of a poor grade or low grade—inferior grade, I think, was his word. It is for you to harmonize that evidence and come to a conclusion. Upon this aspect of the case you can not find for the Government unless you find three things—first, that it was artificially colored; and second, if so, that it was artificially colored so as to conceal its inferiority; and third, that it was an inferior article because it concealed its inferiority. The fact that it was inferior must exist.

I now direct your attention to the label, the style, and dress of the boxes; they are all in evidence before you. The testimony is conflicting upon this important feature of the case and you must reconcile it. While it is true that one may adopt and copyright a label for use in his business, and while those rights must be protected as they represent substantially invested interest, yet I charge you that if they are used in violation of law the fact that they are adopted and copyrighted is not of any avail; therefore, the important inquiry and a responsible one for you to decide in this case is whether this label, adopted and copyrighted and entitled to full protection, is in violation of this law and comes within the meaning of this act that we are now discussing and comes within the meaning of this Pure Food and Drugs Act, and upon this particular feature of the case I call your attention again to that part of the act which says: "An article shall be deemed to be misbranded if it be labeled or branded so as to deceive or mislead the purchaser or purport to be a foreign product when not so." In order to answer the inquiry fairly under this provision of the law you will naturally inquire as to whether or not all of the elements of

the statute have been proven by the Government by a fair preponderance of the evidence; some of those inquiries would naturally be as follows: Is the package labeled or misbranded, and if so, is it labeled so as to deceive or mislead the purchaser? The words "deceive" or "mislead" require no legal definition; they are words that we all understand, and their full import is understood. The word "purchaser," it will be noted, is used without limitation or qualifying terms; the act does not say the wholesale, retail, or individual purchaser. If it is broad enough to include wholesale and retail purchasers it is also broad enough to include the ultimate consumer, as the purchaser and the label or brand of the particular box inclosing the article which he buys must be such as not to deceive or mislead him. It will not do to say that this law was framed to protect the wholesaler and retailer and not the common people; its primary purpose is the protection of the ultimate consumer. It is the purchasing public that the purpose of this statute is primarily intended to protect. It was the purpose of Congress in enacting this Pure Food and Drugs Act to put a stop to the transportation and sale in interstate commerce of adulterated and misbranded articles of food and drugs. It was intended to reach all forms of misrepresentation by misbranding by the use of words or by the use of designs or devices, pictures, etc., calculated to mislead or deceive, cheat, or defraud the purchasers.

There has been considerable contention on behalf of both sides as to just what kind of a purchaser is meant in that act. The standard to be applied by you in that connection is the standard of the ordinary man—the ordinary intelligent person. No law was ever passed for the special benefit of any one particular class; if passed it was not constitutional. You can not legislate for the benefit of the Italian who can not read and write any more than you can legislate for the benefit of the highly educated person who may be very unwise about what the ignorant Italian is very wise, but legislation is passed for the general public, for all persons, and therefore the standard to be applied by you in determining the kind of a person [is] meant by the term "purchaser" is the standard of the ordinary intelligent person.

Coming back to the subject of labels in this connection it is also plain that it is the general purpose of this law to give the consumer the chance to know what he buys and what he eats. It is plain that Congress intended that no one who is desirous of knowing what the law is in that regard may make any mistake about it. The law requires the manufacturer to be honest in his statement of the contents of his package; it requires him to be honest in stating the truth about the labels he puts upon it. That is what the act is intended to accomplish and which, if this statute is properly enforced, it will accomplish.

This statute cannot be evaded by a mere subterfuge. It is to be enforced according to its letter and its spirit, and when that is done no one will suffer by it. I have made this reference to this statute, and it is proper that the statute should be given a fair interpretation, but it is a question of fact for you to determine by a careful consideration and analysis of all the evidence, whether in this particular case this claimant has violated it, and I caution you, gentlemen of the jury, that the burden is upon the Government to prove this contention. It is not important so far as your consideration is concerned, as to why the claimant is here or why he didn't do something else. He has a perfect right to be here under the law; he has elected his own action and why he didn't do something else is of no concern to us.

Now, we come again to the subject of labels and designs. The Government claims that the macaroni bore a certain label, a pictorial representation of a wheat field and three women reaping therein, with a bay and mountain in the distance in representation of a foreign scene in Italy; now, counsel for the claimant admits that this is a foreign scene, an Italian scene, but denies that they were false or misleading or intended to represent a foreign product. Now, the question for you to pass upon in this respect is—did the labels tend to deceive a reasonably intelligent person into believing that the goods sold under that label were a foreign product? It is not the question of whether one person might be misled by what he sees upon the label, but it is the significance that the label in that respect would bear as to whether the macaroni is of foreign origin. The statute, gentlemen of the jury, does not require the place of manufacture to be stated on the label or the name of the manufacturer, so the label is not false or misleading in that respect.

You will notice, gentlemen, that the chief question is the question of fraud and deceit; whether these boxes bore certain designs and devices thereon plainly intended to conceal the contents of the boxes and giving a certain false intimation to the purchaser or user thereof as to the nature and character of the material in the boxes. It is for you, from all of the evidence introduced, to determine whether these words and devices and designs and pictures were intended by the manufacturer to be false and misleading and would convey to the purchaser the idea that this macaroni was manufactured in Gragnano District in Italy. If you believe from the evidence that

this has been proven by the Government—that is, regarding the labels and their allegations that those statements are true and that these labels were so designed as to mislead and deceive the purchaser and intended to represent a foreign product when not so, as a matter of fact—then your verdict will be for the Government; otherwise, if you find this is not true, your verdict will be for the claimant.

Now, gentlemen of the jury, I have been requested to make certain charges, part of which I do make.

In behalf of the Government the term "label," as used in the Food and Drugs Act, applies to any printed, pictorial, or other matter upon or attached to any package of a food product, or any container thereof, subject to the provisions of the act.

The law requires the manufacturer to be honest in his statement of the contents of a package containing a food product, and it requires him to be honest in stating the truth of the labels put upon it. It is the purchasing public, the ultimate consumer, whom the provisions of this law are primarily intended to protect. "The law is not made for the protection of experts, but for the public, that vast multitude, which includes the ignorant, the unthinking, and the credulous, who, in making purchases, do not stop to analyze, but are governed by appearance and general impressions." It makes no difference that dealers in the article are not deceived. It is the probable inexperience of the consumer that you should consider.

On behalf of the claimant I charge you as follows:

The law does not require the fact of the presence of harmless coloring to be stated upon the label on all the evidence in this case.

The words "Savoy Brand" indicate nothing as to the place of origin or manufacture of the macaroni or of the ingredients or substances therein.

The statute does not require the place of manufacture to be stated upon the label if the label is not false or misleading in this respect.

The statute clearly does not require, or permit the department to require, that the place where an article is manufactured shall appear on the label.

The statute clearly does not require, or permit the department to require, that the name of the manufacturer of the article should appear on the label.

The statute is drawn in such a way as to expressly permit the omission of the name of the manufacturer and of the place of manufacture.

The importance of this case must impress itself upon you. While the amount involved is insignificant so far as the 30 boxes of macaroni are concerned, which, by the marshal's return, is the amount received, while the value of that is insignificant, yet the importance of this case must have impressed itself upon you to give it important consideration, weighing in behalf of the Government and in behalf of the claimant the evidence, carefully considered within the rules I have given you, and when you have done so, render your verdict accordingly.

After due deliberation the jury rendered a verdict in which they found the issues for the United States, and thereafter, on September 3, 1914, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal, and that the costs of the proceeding should be paid by said claimant.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 26, 1915.*

3880. Adulteration of candy. U. S. v. R. E. Rodda Candy Co. Plea of nolo contendere. Fine, $5. (F. & D. No. 3423. I. S. No. 17333-c.)

On April 10, 1912, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the R. E. Rodda Candy Co., a corporation, Lancaster, Pa., alleging shipment by said company, in violation of the Food and Drugs Act, on March 8, 1911, from the State of Pennsylvania into the State of Minnesota, of a quantity of confectionary, styled and designated as "Easter Joy," which was adulterated. The product was labeled: "Originality—Workmanship—Purity. Trade Mark. Rodda Candy. Easter Joy Guaranteed under the Pure Food and Drugs Act of June 30, 1906. Serial No. 22134. Originality—Workmanship—Purity. Trade Mark Rodda Candy."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Ash (per cent)	0.11
Ash in coating (per cent)	0.19
Ash in coating insoluble in water (per cent)	0.13
Ash in coating insoluble in 10 per cent HCl (per cent)	0.03
Separated mineral matter (per cent)	0.02
Analysis of mineral matter (per cent):	
SiO_2	65.03
Al_2O_3 and Fe_2O_3	28.26
MgO	5.23
Undetermined	1.48

Physical examination showed separated mineral to have greasy feel.

Microscopical examination showed mineral foliated or having a thin plate-like structure.

Adulteration of the product was alleged in the information for the reason that it contained talc, and, further, in that it contained a mineral substance consisting largely of aluminum and iron silicate.

On March 12, 1915, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of $5.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 28, 1915.*

3881. Adulteration and misbranding of extract of lemon, essence of peppermint, and essence of cinnamon. U. S. v. Chapman Drug Co. Plea of guilty. Fine, $10 and costs. (F. & D. No. 3455. I. S. Nos. 19180-c, 19181-c, 19182-c.)

On April 26, 1912, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Chapman Drug Co., a corporation, and D. C. Chapman, general manager, Knoxville, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on April 20, 1911, from the State of Tennessee into the State of Georgia, of quantities of lemon extract, essence of peppermint, and essence of cinnamon, which were adulterated and misbranded. The lemon extract was labeled: (On box) "One Dozen Extract Lemon, Pure Food Guarantee Number 223. Chapman Drug Co., Knoxville, Tennessee." (On carton) "Crown Flavor Lemon, Guaranty Legend, Serial No. 223." (On bottle) "Crown Flavor Lemon, Artificially Colored. White Lion Brand."

Analysis of a sample of this product by the Bureau of Chemistry of this department showed the following results:

Specific gravity, 20/4° C	0.8950
Ethyl alcohol (per cent by volume)	62.7
Methyl alcohol: Absent.	
Solids (grams per 100 cc)	0.06
Coloring matter: Naphthol Yellow S.	
Oil by precipitation (per cent by volume)	1.1
Oil by rotation (per cent by volume)	1.1
Aldehyde as citral (per cent by weight)	0.12

The essence of peppermint was labeled: (On box) "One Dozen Ess. Peppermint. Pure Food Guarantee No. 223. White Lion Brand Drugs. Chapman Drug Co., Knoxville, Tennessee." (On bottle) "Guarantee No. 223. Peppermint Flavor, Chapman Drug Co., Wholesale Druggists, Knoxville, Tenn."

Analysis of a sample of this product by the said Bureau of Chemistry showed the following results:

Specific gravity, 20/4° C	0.9125
Ethyl alcohol (per cent by volume)	57.2
Methyl alcohol: Absent.	
Solids (grams per 100 cc)	0.05
Coloring matter: None.	
Oil by precipitation (per cent by volume)	1.0

The essence of cinnamon was labeled: (On box) "One Dozen Ess. Cinnamon. Pure Food Guarantee Number 223. While Lion Brand. Chapman Drug Co., Knoxville, Tennessee." (On bottle) "Guaranty No. 223. Cinnamon Flavor, Chapman Drug Company, Wholesale Druggists, Knoxville, Tenn."

Analysis of a sample of this product by said Bureau of Chemistry showed the following results:

Specific gravity, 20/4° C	0.9351
Ethyl alcohol (per cent by volume)	47.6
Methyl alcohol: Absent.	
Solids (grams per 100 cc)	0.31
Coloring matter: Absent.	
Oil by extraction (per cent by volume)	1.15
Refractive index of oil, 20° C	1.5707

It was alleged in the information that lemon extract, as understood by the trade and public in general, is the flavoring extract prepared from oil of lemon or from lemon peel, or both, and contains not less than 5 per cent by volume of oil of lemon; that peppermint extract, as understood by the trade and public in general, is the flavoring

extract prepared from oil of peppermint or from peppermint, or both, and contains not less than 3 per cent by volume of oil of peppermint; and that cinnamon extract, as understood by the trade and public in general, is the flavoring extract prepared from oil of cinnamon and contains not less than 2 per cent by volume of oil of cinnamon. It was further alleged in the information that an analysis made of the lemon extract showed that a dilute extract or flavor of lemon was substituted for the product and that such product was colored in a manner whereby its inferiority was concealed; that the analysis of the essence of peppermint showed that a dilute peppermint flavor of approximately one-third standard strength was substituted for such product; and the analysis of the essence of cinnamon showed that a dilute cinnamon flavor had been substituted for the product, and that the products were therefore adulterated, in that a substance, to wit, a dilute extract or flavor of lemon in the first case, and in the second case, a dilute peppermint flavor of approximately one-third standard strength, and in the other case, a dilute cinnamon flavor, had been mixed and packed with the products so as to reduce, lower, or injuriously affect their quality or strength; and, further, in that a substance, to wit, a dilute extract or flavor of lemon in the first case, and in the second case a dilute flavor of approximately one-third standard strength, and in the other a dilute cinnamon flavor, had been substituted wholly or in part for the genuine products; and, further, in that the first-mentioned product had been colored in a manner whereby its inferiority was concealed.

Misbranding of the products was alleged in the information for the reason that the following statements, to wit, "Extract Lemon" and "Flavor Lemon," borne on the labels of the first-mentioned product, and "Ess. Peppermint" and "Peppermint Flavor," borne on the labels of the second-mentioned product, and "Ess. Cinnamon" and "Cinnamon Flavor," borne on the labels of the third-mentioned product, were false and misleading because such statements deceived the purchaser into the belief that the product in the first case was a genuine lemon extract, in the second case was a genuine peppermint extract, and in the other cinnamon extract, whereas, in truth and in fact, the products were not genuine lemon, peppermint, and cinnamon extracts, but a dilute extract or flavor of lemon of less than one-fourth normal strength, and a dilute peppermint flavor of approximately one-third standard strength, and a dilute cinnamon flavor. Misbranding was alleged for the further reason that the products were sold or offered for sale as lemon, peppermint, and cinnamon extracts, whereas, in truth and in fact, such products were imitations of lemon, peppermint, and cinnamon extracts. Misbranding was alleged for the further reason that the products were labeled and branded so as to deceive and mislead the purchaser, being labeled "Extract Lemon" and "Flavor Lemon" in the first case, and "Ess. Peppermint" and "Peppermint Flavor" in the second case, and "Ess. Cinnamon" and "Cinnamon Flavor" in the other, thereby creating the impression that the products were genuine lemon, peppermint, and cinnamon extracts, whereas, in truth and in fact, said products were not lemon, peppermint, and cinnamon, but consisted in the case of the first-mentioned product (lemon) of a dilute extract or flavor of lemon of less than one-fourth normal strength, and in the case of the second-mentioned product (peppermint) of a dilute peppermint flavor of approximately one-third standard strength, and in the case of the third-mentioned product (cinnamon) of a dilute cinnamon flavor.

It was also alleged in the information that the products were misbranded and adulterated in that the packages of the products bore statements or designs regarding such articles and the ingredients and substances contained therein which were false and misleading.

On November 5, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $10.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 28, 1915.*

3882. Adulteration and misbranding of so-called cider vinegar. U. S. v. Spielmann Bros. Co. Plea of guilty. Fine, $75 and costs. (F. & D. No. 3543. I. S. No. 203-d.)

On August 4, 1913, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Spielmann Bros. Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on April 18, 1911, from the State of Illinois into the State of Iowa, of a quantity of so-called cider vinegar which was adulterated and misbranded. The product was labeled: "Guaranteed Cider Vinegar, 4 per centum, Spielmann Bros. Co. Manufacturers, 613."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results, expressed as grams per 100 cc, unless otherwise stated:

Glycerol	0.077
Total solids	1.74
Nonsugar solids	1.09
Reducing sugars before inversion, after evaporation	0.65
Ash	0.34
Alkalinity of soluble ash (cc N/10 acid per 100 cc)	37.2
Total phosphoric acid (P_2O_5) (mg per 100 cc)	22.9
Polarization, direct, at 20° C. (°V.)	−1.3
Total acid, as acetic	4.05
Fixed acid, as malic	0.01
Ash in nonsugars (per cent)	31.2

Adulteration of the product was alleged in the information for the reason that a liquid preparation, to wit, a dilute solution of acetic acid, commonly known as distilled vinegar, and a foreign product high in reducing sugars and added ash material, had been mixed and packed with the article of food so as to reduce and lower and injuriously affect the quality and strength thereof; further, in that a liquid preparation, to wit, a dilute solution of acetic acid, commonly known as distilled vinegar, a foreign product high in reducing sugars and added ash material, prepared in imitation of genuine cider vinegar, had been substituted wholly for the article of food, and for the further reason that it had been substituted in part for the article of food aforesaid. Misbranding was alleged for the reason that each of the barrels bore a label in words and figures as follows, to wit, "Guaranteed Cider Vinegar, 4 per centum, Spielmann Bros. Co. Manufacturers, 613," which said statement in the label appearing on each of the barrels was false and misleading, in that it represented to the purchaser that the article of food was genuine cider vinegar conforming to the commercial standard for such article of food, whereas, in truth and in fact, each of the barrels did not contain genuine cider vinegar but contained a mixture of dilute acetic acid, commonly known as distilled vinegar, a foreign product high in reducing sugars and added ash material, made in imitation of and sold under the distinctive name of another article of food, to wit, genuine cider vinegar. Misbranding was alleged for the further reason that said statement appearing on the label deceived and misled the purchaser into the belief that the article of food was a genuine cider vinegar conforming to the commercial standard for such article of food, whereas, in truth and in fact, each of the barrels did not contain genuine cider vinegar, but contained a mixture of dilute acetic acid, commonly known as distilled vinegar, and a foreign product high in reducing sugars, made in imitation of genuine cider vinegar.

On August 7, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $100 and costs. On September 15, 1914, the judgment of August 7, 1914, was vacated, and the court imposed a fine of $75 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 28, 1915.*

3883. Adulteration and misbranding of acetanilid tablets, acetphenetidin tablets, and boric acid ointment. U. S. v. O. F. Schmid Chemical Co. Plea of guilty. Fine, $50. (F. & D. No. 3874. I. S. Nos. 11396-d, 11398-d, 16006-d.)

On November 12, 1914, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the O. F. Schmid Chemical Co., a corporation, Jackson, Mich., alleging the shipment by said company, in violation of the Food and Drugs Act, on or about November 13, 1911, from the State of Michigan into the State of Indiana, of quantities of acetanilid tablets, acetphenetidin tablets, and boric acid ointment, which articles were adulterated and misbranded. The acetanilid tablets were labeled: (On bottle) "Guaranteed under the Food and Drugs Act, June 30, 1906, No. 3125. O. F. Schmid Chemical Company, Jackson, Mich. 500 compressed tablets No. 4 acetanilid 3 grs. O. F. Schmid Chemical Co., Jackson, Mich. 6348." (Blown in bottle) "1481."

Analysis of a sample of this product by the Bureau of Chemistry of this department showed the following results:

20 tablets weighed (grams)	3.6350
(1) Acetanilid not more than (per cent)	85.20
(2) Acetanilid not more than (per cent)	84.31
(3) Acetanilid not more than (per cent)	84.77
Average amount of acetanilid per tablet not more than (grains)	2.37
Shortage (per cent)	21

Adulteration of the product was alleged in the information for the reason that its strength fell below the professed standard under which it was sold. Misbranding was alleged for the reason that the following statement, to wit, "500 compressed tablets No. 4 acetanilid 3 grs.," borne on the label thereof, was false and misleading, because it misled and deceived the purchaser into believing that the product contained 3 grains of acetanilid per tablet, whereas, in fact, each tablet contained on an average only 2.37 grains of acetanilid.

The acetphenetidin tablets were labeled: (On bottle) "Guaranteed under the Food and Drugs Act, June 30, 1906, No. 3125. O. F. Schmid Chemical Co., Jackson, Mich. 500 compressed tablets No. 352 acetphenetidin 3 grains. O. F. Schmid Chemical Co., Jackson, Mich." (Blown in bottle) "8471."

Analysis of the sample of this product by said Bureau of Chemistry showed the following results:

20 tablets weighed (grams)	5.6695
(1) Acetphenetidin not more than (per cent)	58.03
(2) Acetphenetidin not more than (per cent)	58.05
Average amount of acetphenetidin per tablet not more than (grains)	2.53
Shortage (per cent)	15.3

Adulteration of this product was alleged in the information for the reason that its strength fell below the professed standard under which it was sold. Misbranding was alleged for the reason that the following statement, to wit, "500 compressed tablets No. 352 acetphenetidin 3 grains," borne on the label thereof, was false and misleading because it conveyed the impression that the product contained 3 grains of acetphenetidin per tablet, whereas, in fact, said tablets contained on an average only 2.53 grains each.

The boric acid ointment was labeled: (On box) "Ointment Boric Acid 10%. Guaranteed by O. F. Schmid Chemical Co. under the Food and Drugs Act, June 30, 1906. No. 3125. 23779. O. F. Schmid Chemical Co., Manufacturing Chemists and Pharmacists, Jackson, Mich. * * *"

Analysis of a sample of this product by said Bureau of Chemistry showed that it contained 7.6 per cent boric acid, and that its base consisted of a mixture of petrolatum and a saponifiable material.

It was alleged in the information that this product was sold under and by a name recognized in the United States Pharmacopœia, which said Pharmacopœia specifies paraffin and petrolatum as a basis, and that it should contain 10 per cent boric acid and the product was therefore adulterated within the meaning of paragraph 1 of section 7 of the Food and Drugs Act, in the case of drugs, in that it was sold under and by a name recognized in the United States Pharmacopœia, but differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of investigation, and neither was its own standard of strength, quality, and purity stated on the bottle, box, or other container in which it was offered for sale. Misbranding was alleged for the reason that the following statement, to wit, "Ointment Boric Acid 10%," borne on the label thereof, was false and misleading because it conveyed the impression that the product was ointment boric acid of the standard of strength, quality, and purity set forth in the United States Pharmacopœia, whereas, in truth and in fact, it did not conform to such standard.

On November 23, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $50.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 28, 1915.*

3884. Adulteration and misbranding of so-called banana cordial. U. S. v. 3 Half Barrels of Banana Cordial. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 3939. I. S. No. 19623-d. S. No. 1376.)

On May 14, 1912, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 half barrels of alleged banana cordial, remaining unsold in the original unbroken packages at Montgomery, Ala., alleging that the product had been shipped on April 1, 1912, and transported from the State of Ohio into the State of Alabama, and charging adulteration and misbranding in violation of the Food and Drugs Act. On one end of the half barrels was the picture of three crowns, under which was written "Banana Cordial," and on the other end of the package was written "Cordial Banana Flavor."

Adulteration of the product was alleged in the libel for the reason that a substance, to wit, an artificially flavored imitation banana cordial, was mixed with the said rectified spirits contained in said packages, so as to reduce its quality or strength; further, in that a substance, to wit, an artificially flavored imitation banana cordial, had been mixed with said rectified spirits contained in said packages, so as to lower the quality of said spirits; further, in that a substance, to wit, an artificially flavored imitation banana cordial, was mixed with said rectified spirits contained in said packages, so as to injuriously affect the quality of said spirits; further, in that a substance, to wit, an artificially flavored imitation banana cordial, had been substituted in part for banana cordial contained in said packages. Misbranding was alleged for the reason that the packages in which said spirits were contained were labeled and branded so as to deceive and mislead the purchaser of the same, being labeled and branded "Three Crown Banana Cordial" on the commercial end of said packages, said branding occupying the entire commercial end of the packages, thereby purporting to be unadulterated banana cordial, whereas the same was not unadulterated banana cordial, but contained an artificially flavored imitation banana cordial.

On January 27, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 28, 1915.*

3885. Adulteration and misbranding of extract of peppermint. U. S. v. Bernard Fela & Co. Plea of guilty. Fine, $50. (F. & D. No. 3987. I. S. No. 12446-d.)

On July 31, 1914, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Bernard Fela & Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on September 23, 1911, from the State of Illinois into the State of Texas, of a quantity of extract of peppermint, so-called, which was adulterated and misbranded. The product was labeled: "Extract of Peppermint (smaller type) Compound, Bernard Fela & Co., Chicago, U. S. A. Guaranteed under National Pure Food Law."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Specific gravity at 15.6° C	0.9805
Alcohol (per cent by volume)	17.32
Methyl alcohol: None.	
Solids (grams per 100 cc)	0.34
Oil (by precipitation): None.	
Color: Naphthol Yellow S and small amount of Martius Yellow.	

Adulteration of the product was alleged in the information for the reason that oil of peppermint in the quantity of not less than 3 per cent by volume is an essential ingredient of genuine extract of peppermint, whereas a certain liquid preparation, to wit, a dilute extract of peppermint, had been mixed and packed with the article of food so as to reduce and lower and injuriously affect the quality and strength thereof; and, further, a dilute extract of peppermint, as aforesaid, had been substituted wholly or in part for the aforesaid genuine extract of peppermint. Misbranding was alleged for the reason that the product bore a label in the words and figures set forth above, which said statement appearing on the label was false and misleading in that said statement, "Extract of Peppermint," represented to the purchaser that the article of food was genuine extract of peppermint containing not less than 3 per cent by volume of oil of peppermint, whereas, in truth and in fact, the article of food was not a genuine extract of peppermint but a dilute extract of peppermint; and, further, for the reason that said statement appearing on the label deceived and misled the purchaser in that said statement, "Extract of Peppermint," represented to the purchaser that the article of food was genuine extract of peppermint containing not less than 3 per cent by volume of oil of peppermint, whereas, in truth and in fact, it was not a genuine extract of peppermint, but a dilute extract of peppermint; and, further, for the reason that said statement, "Guaranteed under National Pure Food Law," represented to the purchaser that the purity of the article was guaranteed by the United States Government, whereas, in truth and in fact, the purity of the article was not guaranteed by the United States Government nor by any person, firm, or corporation.

On October 22, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $50.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 28, 1915.*

3886. Adulteration and misbranding of vanilla flavoring. U. S. v. Fred E. Rosebrock. Plea of guilty. Fine, $100. (F. & D. No. 4040. I. S. No. 1864-d.)

At the April, 1914, term of the District Court of the United States for the Southern District of New York, the jurors of the United States within and for said district, acting upon a report by the Secretary of Agriculture, upon presentment of the United States attorney for said district, returned an indictment against Fred E. Rosebrock, New York, N. Y., charging the shipment by said defendant, in violation of the Food and Drugs Act, on January 3, 1912, from the State of New York into the State of New Jersey, of a quantity of so-called vanilla flavoring, which was adulterated and misbranded. The product was labeled: "Rosebud Brand Guaranteed by F. E. Rosebrock & Co. under the Food and Drugs Act, June 30, 1906. Serial No. 30975. Vanilla Flavoring (Compound) F. E. Rosebrock & Co. New York".

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Vanillin (per cent)	0.75
Coumarin (per cent)	0.16
Ethyl acetate (per cent)	0.13
Musk strongly indicated by odor of distillate.	
Resins: None.	
Methyl alcohol (per cent by weight)	7.39
Methyl alcohol (per cent by volume)	9.28
Ethyl alcohol (per cent by weight)	6.89
Ethyl alcohol (per cent by volume)	8.68
Methyl alcohol (by acid permanganate): Present.	
Methyl alcohol (by Hehner): Present.	
Methyl alcohol (by resorcin): Present.	
Methyl alcohol (by morphin): Present.	
Vanilla color: None detected.	

Adulteration of the article was charged in the indictment for the reason that a certain substance other than vanilla flavoring, to wit, a substance consisting for the most part of wood alcohol, vanillin, coumarin, ethyl acetate, and musk, had been mixed and packed with the article, to wit, vanilla flavoring, so as to reduce and lower and injuriously affect its quality and strength; further, in that a certain substance other than vanilla flavoring, to wit, a substance consisting for the most part of wood alcohol, vanillin, coumarin, ethyl acetate, and musk, had been substituted in part for the article, to wit, vanilla flavoring; further, for the reason that the article was artificially colored with caramel in a manner whereby its inferiority was concealed; and, further, in that the article contained a certain added poisonous and deleterious ingredient, to wit, wood alcohol, which might render said article injurious to health.

Misbranding was charged for the reason that the aforesaid label regarding the article and the ingredients and substances contained therein was false and misleading, in that it indicated that the article was vanilla flavoring, whereas, in truth and in fact, it was not vanilla flavoring, but was a substance colored with caramel, containing wood alcohol, ethyl alcohol, vanillin, coumarin, ethyl acetate, and musk. Misbranding was charged for the further reason that the article was labeled and branded so as to deceive and mislead the purchaser, being labeled, "Guaranteed by F. E. Rosebrock & Co. under the Food and Drugs Act, June 30, 1906. Serial No. 30975. Vanilla Flavoring," thereby indicating that said article was vanilla flavoring, whereas, in truth and in fact, it was not vanilla flavoring, but was a substance colored with caramel, containing wood alcohol, ethyl alcohol, vanillin, coumarin, ethyl acetate, and musk.

On October 8, 1914, the defendant entered a plea of guilty to the indictment, and the court imposed a fine of $100.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 28, 1915.*

3887. Misbranding of "Purity Milk Maker," so-called. U. S. v. Frank Chesbro et al. (Chesbro Milling Co.). Plea of guilty. Fine, $15. (F. & D. No. 4041. I. S. No. 9141-d.)

On November 12, 1912, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Frank Chesbro, George Chesbro, and Loren Chesbro, a copartnership, doing business under the name of Chesbro Milling Co., Salamanca, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on November 10, 1911, from the State of New York into the State of Maine, of a quantity of so-called "Purity Milk Maker," which was misbranded. The product was labeled: "Purity Milk Maker. 100 Lbs. net. Protein 24% to 26%. Fat 7 to 8%. Fiber 7 to 9%. Manufactured Expressly for Wm. S. Hills Co. Boston, Mass. Protein 26%; Fat 8%; Fiber 9%. Made from Brewers Grains, Cotton-seed Meal, Malt Sprouts, O. P. Oil Meal, Gluten Feed, Hominy or Kiln Dried Corn Meal."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Nitrogen (per cent)	3.56
Protein (per cent)	22.25
Fiber (per cent)	8.64
Fat (per cent)	6.36

Misbranding of the product was alleged in the information for the reason that it bore the label in the words and figures as aforesaid, which said label was false and misleading in that said food product in fact consisted essentially of nitrogen 3.56 per cent, protein 22.25 per cent, fiber 8.64 per cent, fat 6.36 per cent, and the statement "Protein 24% to 26%," borne on the package containing such product, and the statement "Protein 26%," borne on the tag attached to said package, were false and misleading, because, as a matter of fact, said product did not contain 26 per cent protein or 24 to 26 per cent protein, but a less amount, to wit, 22.25 per cent protein. Misbranding was alleged for the further reason that the statement "Fat 7 to 8%," borne on the package containing the product, and the statement "Fat 8%," borne on the tag attached to said package, were false and misleading, because, as a matter of fact, said food product did not contain 8 per cent of fat or 7 to 8 per cent of fat, but a less amount, to wit, 6.36 per cent of fat. Misbranding was alleged for the further reason that the product was so labeled or branded as to deceive and mislead the purchaser, it being labeled or branded "Protein 24% to 26%," "Protein 26%," "Fat 7 to 8%," and "Fat 8%," which form of labeling or branding misled and deceived the purchaser because, as a matter of fact, said food product did not contain 8 per cent of fat or 7 to 8 per cent of fat and 26 per cent of protein or 24 to 26 per cent of protein, but less amounts of fat and protein, to wit, 6.30 [6.36] per cent of fat and 22.25 per cent protein. It was further alleged in the information that the statements on said label were false and misleading and constituted a misbranding of said food product contained in said packages.

On April 6, 1915, the defendants entered pleas of guilty to the information, and the court imposed a fine of $15.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 28, 1915.*

3888. Misbranding of so-called "Wine of Chenstohow." U. S. v. A. Skarzynski & Co. Plea of guilty. Fine, $20. (F. & D. No. 4056. I. S. Nos. 2375-d, 13055-d.)

On November 12, 1912, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against A. Skarzynski & Co., a corporation, Buffalo, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on March 27, 1911, from the State of New York into the State of Pennsylvania, of a quantity of so-called "Wine of Chenstohow" which was misbranded. The product was labeled: "Celebrated Curative Wine of Chenstohow, Gold Medal Poland Bitters, (trade mark) The best remedy for the Stomach. Slynne Kuracjne Wino Czestochowskie. Skarzynski & Co., Buffalo, N. Y. * * * Guaranty No. 9077."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Specific gravity, 15.6°/15.6° C	1.0275
Alcohol (per cent by volume)	18.08
Glycerol (grams per 100 cc)	0.13
Solids (grams per 100 cc)	12.94
Reducing sugar, invert after inversion (grams per 100 cc)	10.86
Polarization, direct, at 19° C. (°V.)	−5.3
Polarization, invert, at 19° C. (°V.)	−5.4
Polarization, invert, at 87° C. (°V.)	−0.6
Ash (grams per 100 cc)	0.33
Acid, total, as tartaric (grams per 100 cc)	0.375
Total tartaric acid (grams per 100 cc)	0.089

Misbranding of the product was alleged in the information for the reason [in] that it bore the label and printed statement in the words and figures as aforesaid, which said label and statement were false and misleading, in that said product in fact was not "Wine of Chenstohow," which is a wine of European manufacture, but was, in truth and in fact, an alcoholic drug product manufactured in the United States of America. It was further alleged that the said statement on the label was false and misleading and constituted a misbranding of said drug product.

On November 10, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $20.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 28, 1915.*

3889. Adulteration and misbranding of so-called pure cider vinegar. U. S. v. Spielmann Bros. Co. Plea of guilty. Fine, $25 and costs. (F. & D. No. 4130. I. S. No. 856-d.)

On August 4, 1913, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Spielmann Bros. Co., a corporation, Chicago, Ill., alleging the sale by said company, on May 10, 1911, under a written guaranty that the product complied with the National as well as the pure-food laws of all States, of a quantity of so-called pure cider vinegar which was an adulterated and misbranded article of food within the meaning of the Food and Drugs Act, and which said article, after having been repacked but not altered, adulterated, or misbranded in any manner by the purchaser thereof, was on May 12, 1911, in violation of the Food and Drugs Act, shipped by said purchaser from the State of Illinois into the State of Iowa, and thereafter a portion of said product was shipped by the Iowa consignee thereof on June 7, 1911, from the State of Iowa into the State of South Dakota, in violation of said Food and Drugs Act.

The defendant company invoiced the product as "Pure Cider Vinegar, 45 grain." The purchaser under the guaranty, after repacking it, labeled the same "#32 Mason Squire 45 grain Cider Vinegar." The Iowa consignee labeled the portion that he shipped "#32 Tac-co quarts Cider Vinegar."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results, expressed as grams per 100 cc, unless otherwise stated:

Glycerol	0.10
Solids	1.69
Nonsugar solids	1.12
Reducing sugar before inversion after evaporation	0.57
Sugar in solids (per cent)	33.8
Polarization, direct, at 28° C. (°V.)	−0.9
Ash	0.36
Alkalinity of soluble ash (cc N/10 acid per 100 cc)	38.0
Total P_2O_5 (mg per 100 cc)	24.4
Acetic acid	4.62
Fixed acid	0.01
Lead precipitate: Medium.	
Color (degrees, Brewer's scale, 0.5-inch cell)	6.0
Ash in nonsugar solids (per cent)	32.1

Adulteration of the product was alleged in the information for the reason that it was sold and delivered as pure cider vinegar, 45 grain, whereas, in truth and in fact, another substance, to wit, a dilute solution of acetic acid, commonly known as distilled vinegar, and a foreign product high in reducing sugars and added ash material, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength; further, in that a liquid preparation, to wit, a dilute solution of acetic acid, commonly known as distilled vinegar, and a foreign product high in reducing sugars and added ash material, had been substituted wholly for the article of food aforesaid; and, further, in that a liquid preparation, to wit, a dilute solution of acetic acid, commonly known as distilled vinegar, and a foreign product high in reducing sugars and added ash material, had been substituted in part for the article of food aforesaid. Misbranding of the article was alleged for the reason that it was so sold and delivered by the defendant company as pure cider vinegar, 45 grain, whereas, in truth and in fact, it consisted of a solution of acetic acid, commonly known as distilled vinegar, and a foreign product high in reducing sugars and added ash material, and was an imitation of another article of food, to wit, pure cider vinegar, 45 grain; further, in that said article of food was so sold and delivered as pure cider vinegar, 45 grain, whereas, in truth and in fact, it consisted of a dilute

solution of acetic acid, commonly known as distilled vinegar, and a foreign product high in reducing sugars and added ash material, which was offered for sale under the distinctive name of another article of food, to wit, pure cider vinegar, 45 grain.

On August 7, 1914, the defendant company entered a plea of guilty to the information, and on September 15, 1914, the court imposed a fine of $25 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 28, 1915.*

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3890. Adulteration and misbranding of so-called essence of peppermint. U. S. v. Chapman Drug Co. Plea of guilty. Fine, $10 and costs. (F. & D. No. 4170. I. S. No. 7921-d.)

On October 9, 1912, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Chapman Drug Co., a corporation, Knoxville, Tenn., alleging the shipment by said company, in violation of the Food and Drugs Act, on September 22, 1911, from the State of Tennessee into the State of North Carolina, of a quantity of so-called essence of peppermint, which was adulterated and misbranded. The product was labeled: (On carton) "One Dozen Ess. Peppermint Pure Food Guarantee Number 223 'White Lion Brand Drugs' Chapman Drug Co. Knoxville, Tennessee." (On bottle) "Guarantee No. 223 Peppermint Flavor. 'White Lion Brand Drugs' Chapman Drug Co. Wholesale Druggists, Knoxville, Tenn."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Specific gravity, 15.6° C	0.9161
Alcohol (per cent by volume)	58.76
Methyl alcohol: None.	
Oil peppermint, by precipitation (per cent by volume)	0.20

It was alleged in the information that the product was labeled as set forth above, when, in fact, it was not essence of peppermint, but a dilute essence had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and in that a dilute essence of peppermint had been substituted, containing only 3/5 [0.20] per cent of oil of peppermint, wholly or in part for the said full strength essence of peppermint, which should contain at least 3 per cent of oil of peppermint, while the label purported that it was full essence of peppermint, and said article was therefore adulterated under the provisions of section 7 of said Food and Drugs Act, paragraphs 1 and 2.

Misbranding was alleged for the reason that said label "Essence of Peppermint" was false and misleading, as it conveyed the impression that the product was full-strength essence of peppermint, whereas, in fact, it was a dilute essence of peppermint; and for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser into the belief that it was full-strength essence of peppermint, whereas, in fact, it was a dilute essence of peppermint.

On November 5, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $10 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 29, 1915.*

3891. Adulteration and misbranding of butter. U. S. v. Albert F. Lopez. Plea of guilty. Fine, $10. (F. & D. No. 4221. I. S. No. 13294-d.)

At the April, 1914, term of the District Court of the United States of America for the Southern District of New York, the jurors of the United States within and for the district aforesaid, acting upon a report by the Secretary of Agriculture, upon presentment of the United States attorney, returned an indictment against Albert F. Lopez, New York, N. Y., charging shipment by said defendant, in violation of the Food and Drugs Act, on January 11, 1912, from the State of New York into the State of Georgia, of a quantity of butter which was adulterated and misbranded. The product was labeled: "V. Lopez & Co. New York, U. S. A. Packers of the celebrated Blue Ribbon Brand Butter Guaranteed absolutely Pure."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Water (per cent)	23.455
Fat, by indirect method (per cent)	71.845
Casein (per cent)	1.65
Ash (per cent)	3.05
Total (per cent)	100.00
Sodium chlorid (per cent)	2.37
On the fat:	
Reichert-Meissl number	27.58
Iodin number	35.83
Refraction at 25° C	1.4577

Spoon test: Acts like a renovated butter.

Adulteration of the product was charged in the indictment for the reason that a substance, to wit, water, had been mixed and packed with said article in such quantity as to reduce and lower and injuriously affect its quality and strength, and, further, for the reason that a substance, to wit, water, in an excessive amount, had been substituted in part for the article, to wit, butter. Misbranding was charged for the reason that the statement "Butter Guaranteed absolutely Pure," appearing on the label aforesaid regarding said article and the ingredients and substances contained therein, was false and misleading in that it indicated that the article was pure butter, conforming to the legal standard for pure butter, whereas, in truth and in fact, said article was not pure butter conforming to the legal standard for pure butter but was an adulterated butter, containing an excessive amount of water. Misbranding was charged for the further reason that the article was labeled and branded so as to deceive and mislead the purchaser, being labeled "Butter Guaranteed absolutely Pure," thereby indicating that the article was pure butter, whereas, in truth and in fact, it was not pure butter, but was an adulterated butter, containing an excessive amount of water.

On February 18, 1915, the defendant, having withdrawn his plea of not guilty previously entered, entered a plea of guilty to the indictment, and the court imposed a fine of $10.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 29, 1915.*

3892. Misbranding of sirup. U. S. v. Claudius M. Tice (C. M. Tice & Co.). Plea of nolo contendere. Fine, $100. (F. & D. No. 4246. I. S. No. 16104-d.)

On March 19, 1914, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Claudius M. Tice, doing business under the name and style of C. M. Tice & Co., Boston, Mass., alleging shipment by said defendant, in violation of the Food and Drugs Act, on October 25, 1911, from the State of Massachusetts into the State of Indiana, of a quantity of sirup which was misbranded.

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results, expressed as per cent, unless otherwise stated:

Dry substance by refractometer	66.89
Sucrose by Clerget	64.98
Reducing sugars as invert	1.13
Glucose	0.0
Polarization direct at 20° C. (°V.)	+65.2
Polarization invert at 20° C. (°V.)	−21.0
Polarization invert at 87° C. (°V.)	0.0
Total ash	0.135
Soluble ash	0.09
Insoluble ash	0.045
Alkalinity of soluble ash (cc N/10 acid per 5 grams)	0.72
Alkalinity of insoluble ash (cc N/10 acid per 5 grams)	0.40
Winton lead number	0.32
Calculated to water-free basis:	
Total ash	0.20
Soluble ash	0.13
Insoluble ash	0.07
Winton lead number	0.47

Both the ash and lead number indicate that there could not possibly be more than 25 per cent maple sirup present.

Misbranding of the product was alleged in the information for the reason that said food and the package and label thereof bore a certain statement, design, and device regarding said food and the ingredients and substances contained therein which was false and misleading—that is to say, the following words and figures, "2/3 Cane and 1/3 Maple Syrup", by reason whereof a purchaser would be led to believe that said food was composed of cane and maple sirup in the proportions heretofore named, to wit, two-thirds cane and one-third maple sirup, whereas, in truth and in fact, said food contained a greater amount of cane sirup and a lesser amount of maple sirup than the amounts stated. Misbranding was alleged for the further reason that said food and the package and label thereof were labeled and branded so as to deceive and mislead the purchaser by reason of the following words and figures, "2/3 Cane and 1/3 Maple Syrup" which appeared thereon, by reason whereof a purchaser would be led to believe that said food contained said amounts, respectively, whereas, in truth and in fact, the said food contained a greater amount of cane sirup and a lesser amount of maple sirup than stated, so that said statement on said food and the package and label thereof was not, in fact, true.

On October 1, 1914, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of $100.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 29, 1915.*

3893. Adulteration and misbranding of poultry feed. U. S. v. Steinmesch Feed & Poultry Supply Co. Plea of guilty. Fine, $50 and costs. (F. & D. No. 4282. I. S. No. 588-d.)

On June 13, 1913, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Steinmesch Feed & Poultry Supply Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 7, 1911, from the State of Missouri into the State of Alabama, of a quantity of poultry feed which was adulterated and misbranded. The product was labeled: "Steinmesch Mixed Feed Hen Size. Guaranteed Analysis: Protein—not less than 12% Fat—not less than 3% Carbohydrates—not more than 60% Crude Fibre—not more than 6%. Made of field grains & field seeds. (Note original sack tag attached to slip) Steinmesch Feed & Poultry Supply Co., St. Louis, Mo." (Tag) "100 pounds Steinmesch Mixed Feed Hen Size Steinmesch Feed & Poultry Supply Co., St. Louis, Mo. Guaranteed Analysis: Protein—not less than 12% Fat—not less than 3% Carbohydrates—not more than 60% Crude Fibre—not more than 6%. Made of Field Grains and Field Seeds. (Alabama stamp tax 100 pounds; attach this stamp to the guarantee analysis tag. All charges paid. R. F. Kolb. Com. of A & I, one cent.)" (Reverse side of tag) "Harvey Seed Co., Agents, Montgomery, Ala."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Moisture (per cent)	6.59
Ether extract (per cent)	3.26
Protein (per cent)	10.10
Crude fiber (per cent)	4.47

The product consists of oats, barley, kafir, milo, wheat, sunflower seed, oyster shells, small stones, and weed seeds, about 2 per cent by weight.

Adulteration of the product was alleged in the information for the reason that oyster shells and small stones had been mixed and packed with said product so as to reduce and lower and injuriously affect its quality and strength; and, further, in that said substances had been substituted wholly or in part for the poultry feed composed of the ingredients stated on said label, which the article purported to be. Misbranding was alleged for the reason that the statement on said label, to wit, "Protein—not less than 12%," was false and misleading, because it conveyed the impression that the product contained not less than 12 per cent of protein, which was a desirable ingredient, whereas, in fact, the said product contained but 10.10 per cent of protein; further, in that said statement of the alleged ingredients contained on said label was false and misleading because it conveyed the impression that the product was composed of only the ingredients named on said label, whereas, in truth and in fact, it contained in addition to said ingredients a quantity of oyster shells and small stones which were not named on said label; and, further, in that the article was labeled and branded so as to mislead and deceive the purchaser in that it was represented as a product composed of the ingredients named on said label and containing not less than 12 per cent of protein, whereas, in fact, it contained in addition to said ingredients a quantity of oyster shells and small stones, and contained but 10.10 per cent of protein.

On July 8, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $50 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 29, 1915.*

3894. Adulteration and misbranding of so-called extract of vanilla. U. S. v. Chapman Drug Co. Plea of guilty. Fine, $10 and costs. (F. & D. No. 4369. I. S. No. 7923-d.)

On October 9, 1912, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Chapman Drug Co., a corporation, Knoxville, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on November 16, 1911, from the State of Tennessee into the State of North Carolina, of a quantity of so-called extract of vanilla which was adulterated and misbranded. The package containing the product was branded: (In large red letters) "Extract of Vanilla," (In very much smaller type) "Guaranteed under the Food and Drugs Act, June 30, 1906, Special Serial No. 223," (In somewhat larger type) "For Flavoring Ice Cream Jellies and Pastries" and "Manufactured by Chapman Drug Company, Knoxville."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Specific gravity, 20°/4° C	0.9161
Solids (per cent by weight)	1.72
Vanillin (per cent by weight)	0.03

It was alleged in the information that the product was labeled as above set forth, when in fact it was not extract of vanilla, but a dilute vanilla extract had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and, further, in that a dilute vanilla extract had been substituted wholly or in part for the said full-strength vanilla extract, which [while] the label purported that it was vanilla extract, and said article was therefore misbranded [adulterated] under the provisions of section 7 of said Food and Drugs Act, praragraphs 1 and 2.

Misbranding was alleged for the reason that said label, "Extract of Vanilla," was false and misleading, as it conveyed the impression that the product was full-strength extract of vanilla, whereas, in fact, it was a dilute extract of vanilla; and, further, in that the product was labeled and branded so as to deceive and mislead the purchaser into the belief that it was full-strength extract of vanilla, whereas, in fact, it was a dilute extract of vanilla.

On November 5, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $10 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 29, 1915.*

3895. Adulteration and misbranding of so-called extract of vanilla. U. S. v. Chapman Drug Co. Plea of guilty. Fine, $10 and costs. (F. & D. No. 4372. I. S. No. 7924-d.)

On October 10, 1912, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Chapman Drug Co., a corporation, Knoxville, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on December 25, 1911, from the State of Tennessee into the State of North Carolina, of a quantity of so-called extract of vanilla, which was adulterated and misbranded. The package containing the extract was branded: (In large red letters) "Extract of Vanilla" (Small type) "Guaranteed under the Food and Drugs Act, June 30, 1906, Special Series No. 223" (Larger type) "For Flavoring Ice Cream Jellies and Pastries." The product was labeled: "Extract of Vanilla, guaranteed under Food and Drugs Act, June 30, 1906, Serial No. 223 Manufactured by Chapman Drug Co. Knoxville."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Specific gravity, 20°/4°C	0.9161
Ethyl alcohol (per cent by volume)	59.2
Methyl alcohol: None.	
Solids (per cent by weight)	1.55
Vanillin (per cent by weight)	0.04
Coumarin: None.	
Normal lead number	0.45
Vanilla resin reactions: Satisfactory.	
Coloring matter: Natural.	

It was alleged in the information that the product was labeled as set forth above, when, in fact, it was not extract of vanilla, but a dilute vanilla extract had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and in that a dilute vanilla extract had been substituted wholly or in part for the said full-strength vanilla extract which [while] the label purported that it was vanilla extract, and said article was, therefore, adulterated under the provisions of section 7 of said Food and Drugs Act, paragraphs 1 and 2.

Misbranding was alleged for the reason that said label "Extract of Vanilla" was false and misleading, as it conveyed the impression that the product was full-strength extract of vanilla, whereas, in fact, it was a dilute extract of vanilla; and for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser into the belief that it was full-strength extract of vanilla, whereas, in fact, it was a dilute extract of vanilla.

On November 5, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $10 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 29, 1915.*

3896. Adulteration and misbranding of vinegar. U. S. v. Spielmann Bros. Co. Plea of guilty. Fine, $75 and costs. (F. & D. No. 4373. I. S. No. 17183-c.)

On February 14, 1914, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Spielmann Bros. Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on February 18, 1911, from the State of Illinois into the State of Kentucky, of a quantity of so-called guaranteed cider vinegar which was adulterated or misbranded. The product was labeled: "52 Guaranteed Cider Vinegar—4 per centum—Purity Vinegar Works—9537 Purity Vinegar Works Purity Company, Pure Cider Vinegar, Canastota, N. Y."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results, expressed as grams per 100 cc, unless otherwise stated:

Solids	1.84
Nonsugar solids	1.09
Reducing sugar as invert, after inversion	0.75
Sugar in solids (per cent)	39.8
Polarization, direct, at 28° C. (°V.)	−1.6
Polarization, invert, at 28° C. (°V.)	−1.6
Ash, total	0.43
Ash, soluble in water	0.40
Ash, insoluble in water	0.03
Alkalinity of soluble ash (cc N/10 acid per 100 cc)	47.2
Alkalinity of insoluble ash (cc N/10 acid per 100 cc)	7.2
Soluble phosphoric acid (mg per 100 cc)	27.1
Acid, as acetic	4.20
Volatile acid, as acetic	3.96
Lead precipitate: Medium.	
Ash in solids	23.4
Color: Caramel.	
Glycerol	0.11

Adulteration of the product was alleged in the information for the reason that a liquid preparation, to wit, a dilute solution of acetic acid, commonly known as distilled vinegar, and a product high in reducing sugars containing added mineral matter, had been mixed and packed with the article of food aforesaid so as to reduce, lower, and injuriously affect its quality and strength; further, in that the liquid preparation, to wit, a dilute solution of acetic acid, commonly known as distilled vinegar, a foreign product high in reducing sugars and added mineral matter, had been substituted wholly for the article of food as aforesaid; and, further, for the reason that a liquid preparation, to wit, a dilute solution of acetic acid, commonly known as distilled vinegar, a foreign product high in reducing sugars and added mineral matter, had been substituted in part for the article of food aforesaid.

Misbranding was alleged for the reason that each of the barrels bore a label in words and figures as follows, to wit: "52 Guaranteed Cider Vinegar—4 per centum—Purity Vinegar Works—9537 Purity Vinegar Works Purity Company, Pure Cider Vinegar, Canastota, N. Y.," which said statement in the label, appearing on each of the barrels, was false and misleading in that said statement represented to the purchaser that the article of food was a genuine cider vinegar conforming to the commercial standard for such article of food, whereas, in truth and in fact, the barrels did not contain genuine cider vinegar, but contained a mixture of dilute acetic acid, commonly known as distilled vinegar, a foreign product high in reducing sugars and added mineral matter. Misbranding was alleged for the further reason that said statement in the label, appearing on each of the barrels, deceived and misled the purchaser into the belief

that the article of food was a genuine cider vinegar conforming to the commercial standard for such article of food, whereas, in truth and in fact, each of the barrels did not contain genuine cider vinegar, but contained a mixture of dilute acetic acid, commonly known as distilled vinegar, and a product high in reducing sugars, made in imitation of genuine cider vinegar.

On August 7, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $100 and costs. On September 15, 1914, the judgment of August 7, 1914, was vacated, and the company was fined $75 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 29, 1915.*

3897. Misbranding of coffee compound. U. S. v. Lang & Co. Plea of guilty. Fine, $5. (F. & D. No. 4381. I. S. No. 15181-d.)

On December 31, 1912, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Lang & Co., a corporation, Portland, Oreg., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 29, 1910, from the State of Oregon into the State of Idaho, of a quantity of coffee which was misbranded. The product was labeled: "Palm Brand Coffee Compound Delicious and Nutritious. Use Cream or Evaporated Milk. Lang & Company, Coffee Roasters, Portland, Oregon."

Examination of a sample of the product by the Bureau of Chemistry of this department showed that it was not a coffee compound, but was a compound of coffee, cereal, and chicory, the proportions being about 9 parts coffee, about 9 parts cereal, and about 2 parts chicory.

It was alleged in the information that said brand and labels set forth above were false and misleading, being calculated and intended to represent to intending purchasers of said alleged coffee compound that said food product was, in truth and in fact, a coffee compound, composed of coffee, when, in truth and in fact, said food product was not a compound composed of coffee, but was a compound composed of coffee, cereal, and chicory.

On February 15, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $5.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 29, 1915.*

3898. Adulteration and misbranding of so-called pure Vermont maple sirup. U. S. v. Merwin E. Leslie (Leslie, Dunham & Co.). Plea of non vult. Fine, $50. (F. & D. No. 4429. I. S. No. 1878–d.)

At the November, 1914, term of the District Court of the United States for the District of New Jersey, the grand jurors of the United States within and for said district, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned an indictment against Merwin E. Leslie, carrying on business in the city of Jersey City, in the State of New Jersey, under the firm name and style of Leslie, Dunham & Co., charging shipment by said defendants, in violation of the Food and Drugs Act, on or about January 30, 1912, from the State of New Jersey into the State of New York, of a quantity of so-called pure Vermont maple sirup, which was adulterated and misbranded. The product was labeled: "Pure Vermont Maple Syrup. 'Bon Voyage Brand' selected with great care from the best producers and packed expressly for Charles & Co., 44–46–48–50 E. 43rd St., New York."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Solids (refractometer) (per cent)	63. 77
Ash (per cent)	0. 34
Ash, calculated to dry basis (per cent)	0. 53
Soluble ash (per cent)	0. 21
Insoluble ash (per cent)	0. 13
Alkalinity of soluble ash (cc N/10 HCl per 5 grams)	1. 40
Alkalinity of insoluble ash (cc N/10 HCl per 5 grams)	2. 00
Lead number	0. 79
Lead number, calculated to dry basis	1. 24

It was charged in the indictment that the product was misbranded in that it bore on the label the statement "Pure Vermont Maple Syrup," conveying the impression that each of the bottles and cans contained pure Vermont maple sirup, whereas, in truth and in fact, said bottles and cans contained, to wit, cane-sugar sirup, maple sirup, and water, and the product was therefore adulterated within the meaning of said act, in that said cane-sugar sirup and water had been mixed and packed with maple sirup so as to reduce, lower, and injuriously affect its quality and strength; and further, in that substances, to wit, cane-sugar sirup and water, had been substituted in part for the maple sirup. It was further charged in the indictment that the product was misbranded in that it bore on the label the statement "Pure Vermont Maple Syrup," conveying the impression that each of the bottles and cans so labeled contained pure maple sirup, whereas, in truth and in fact, each of said bottles and cans contained, to wit, a mixture of cane-sugar sirup, maple sirup, and water, and was therefore labeled and branded so as to deceive and mislead the purchaser.

On December 23, 1914, the defendant withdrew his plea of not guilty previously entered and entered a plea of non vult, and the court imposed a fine of $50.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 29, 1915.*

3899. Adulteration and misbranding of so-called coffee. U. S. v. Hanley & Kinsella Coffee & Spice Co. Plea of nolo contendere. Fine, $20 and costs. (F. & D. No. 4460. I. S. No. 16623-d.)

On June 13, 1914, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Hanley & Kinsella Coffee & Spice Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 25, 1911, from the State of Missouri into the State of Colorado, of a quantity of coffee which was adulterated and misbranded. The product was labeled: "Hanlin Brand Coffee Ground Guaranteed Serial Number 2639. Distributed by Henkel-Duke Mercantile Co., Pueblo, Colo."

An examination of a sample of the product by the Bureau of Chemistry of this department indicated that it was Rio screenings, which product is nothing more or less than low-grade trash, full of black beans, quakers, chaff, etc., that could not be the product of a coffee grading No. 8 or better. It appeared that the product was not as good as the product of a ground No. 8 Rio, and that therefore it was below grade and should not be offered for sale.

Adulteration of the product was alleged in the information for the reason that it was sold as coffee, when, in truth and in fact, it consisted of a substance, to wit, black beans and quaker chaff, which had been substituted in part for coffee, and, further, in that the product consisted wholly or in large part of a filthy and decomposed vegetable substance, to wit, black beans and quaker chaff.

Misbranding was alleged for the reason that the word "coffee," so appearing on the label of the package in which the product was shipped, was misleading, because, in truth and in fact, the product was not whole coffee but consisted in part of black beans and quaker chaff. Misbranding was alleged for the further reason that the product was so labeled and branded as to deceive and mislead the purchaser, being labeled "coffee," whereas, in truth and in fact, the product was not a marketable coffee and was not whole coffee, but consisted in part of black beans and quaker chaff.

On November 25, 1914, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of $20 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 29, 1915.*

3900. Adulteration and misbranding of so-called apple juice vinegar. U. S. v. Spielmann Bros. Co. Plea of guilty. Fine, $50 and costs. (F. & D. No. 4511. I. S. No. 16884-d.)

On July 31, 1914, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Spielmann Bros. Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on November 25, 1911, from the State of Illinois into the State of Oklahoma, of a quantity of so-called apple juice vinegar, which was adulterated and misbranded. The product was labeled: "First Pick Brand Apple Juice Vinegar Packed for Carroll-Brough & Robinson, Oklahoma City, Okla. Clinton, Okla." (On neck) "First Pick Brand." (Picture of chicks.)

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results, expressed as grams per 100 cc, unless otherwise stated:

Alcohol	None.
Glycerol	0.08
Solids	1.62
Nonsugar solids	0.82
Reducing sugar, invert after evaporation	0.80
Sugar in solids (per cent)	49.38
Ash	0.42
Alkalinity of soluble ash (cc N/10 acid per 100 cc)	44.60
Total phosphoric acid (mg per 100 cc)	27.3
Acid, as acetic	5.48
Fixed acid, as malic	0.01
Ash in nonsugar solids (per cent)	51.22

Adulteration of the product was alleged in the information for the reason that a liquid preparation, to wit, a dilute solution of acetic acid, commonly known as distilled vinegar, and a product high in reducing sugars and foreign mineral matter, had been substituted wholly for pure apple vinegar; further, in that a liquid preparation, to wit, a dilute solution of acetic acid, commonly known as distilled vinegar, and a product high in reducing sugars and foreign mineral matter, had been substituted in part for pure apple vinegar. Misbranding was alleged for the reason that each of the bottles containing the article of food bore a label in words and figures as follows, to wit, "First Pick Brand Apple Juice Vinegar Packed for Carroll-Brough & Robinson, Oklahoma City, Okla. Clinton, Okla." (On neck) "First Pick Brand." (Picture of chicks), which said statement appearing on each of the bottles was false and misleading in that said statement represented to the purchaser that the article of food aforesaid was pure apple vinegar, conforming to the commercial standard for such article of food, whereas, in truth and in fact, the bottles did not contain pure apple vinegar, but contained a mixture of dilute acetic acid, commonly known as distilled vinegar, and a product high in reducing sugars and foreign mineral matter. Misbranding was alleged for the further reason that said statement appearing on each of the bottles misled and deceived the purchaser in that said statement represented to the purchaser that the article of food was pure apple vinegar conforming to the commercial standard for such article of food, whereas, in truth and in fact, the bottles did not contain pure apple vinegar, but contained a mixture of dilute acetic acid, commonly known as distilled vinegar, and a product high in reducing sugars and foreign mineral matter.

On August 7, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $50 and costs.

D. F. Houston, *Secretary of Agriculture.*

Washington, D. C., *June 8, 1915.*

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